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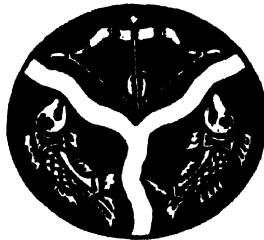
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Man

[For official use only.]

**MANUAL
OF
GOVERNMENT ORDERS
UTTAR PRADESH**



ALLAHABAD :
PRINTED BY THE SUPDT., PRINTING AND STATIONERY, U. P. (INDIA)
1954

PREFACE

The Manual of Government Orders was first published in 1902. It was revised in 1911 when in view of the issue of various departmental Manuals it became necessary to omit from the revised 1911 edition many subjects which might otherwise have found a place in the Manual. The opportunity afforded by the revision was used for bringing the orders up to date and for arranging them in a more convenient form.

2. The need for issuing a fresh revised edition has been felt for many years. Actually a start was made some years ago but due to certain difficulties the work could not be completed. In view of the changes consequent on the attainment of Independence the need for issuing a revised edition became all the more pressing. An Officer on Special Duty in the General Administration Department was, therefore, appointed for preparing a new edition of this Manual. It has now been possible to complete the revision and to issue a new and up to date edition.

3. In this edition, the contents have been brought up to date and re-arranged. Several separate departmental Manuals having been issued in the interval, the corresponding provisions in the old edition of the Manual have been deleted. Provisions which had become obsolete have also been omitted. At the same time an attempt has also been made to include orders regarding new departments and activities of the Government.

4. Unlike the old Manual which was in three volumes, the present Manual is being issued in one single volume. It is hoped that this would make for greater facility in actual use.

5. Any suggestions about the Manual that individual officers may have may please be made to Government in the General Administration Department.

K. P. BHARGAVA, I.C.S.,
Chief Secretary to Government,
Uttar Pradesh.

LUCKNOW :
June 1, 1954.

PREFACE TO OLD (1911) EDITION

1. The revision of the Manual of Government Orders has been rendered necessary by the creation of a new department of the Government to deal with industries, and the opportunity has been taken to bring the orders up to date and to condense and codify them, as far as possible.

2. Since the publication of the existing Manual in 1902, the Educational Code and the Medical Manual have been issued, the orders relating to the police have been revised and re-arranged, and many orders now contained in the Manual have been inserted in the Civil Service Regulations. Orders which find a place in other manuals have been omitted from the present edition, and reference should be made to those manuals when necessary. It has also been decided to exclude from the Manual, as a general rule, declarations of policy which explain in certain cases the reasons for orders issued : if information regarding them is required, the original orders should be consulted.

3. The present edition has been divided into three volumes for convenience in handling. The first two volumes contain orders which are of frequent application : the third volume consists of appendices and contains rules, statements, and the like, which necessarily find a place in the Manual, but to which only occasional reference is made. The index is printed at the end of the second volume.

4. The paragraphs in the present Manual have been numbered, and in order to facilitate reference the various sections corresponding with the several departments of the Government begin with the number 1, i.e. 1, 101, 301, 601, and so on. The blank numbers at the end of each section will be utilized for the orders on any new subject which may be issued from time to time.

5. The distribution list of the Manual has been revised, and the number of copies now supplied to districts will allow of one copy being placed in each sub-divisional officer's court and in all tahsils.

6. It has come to notice that the instructions issued on correction slips regarding corrections to be made by hand are frequently disregarded, the idea of the clerk making the correction being, apparently, to retain some record of the authority for the alteration. To obviate this difficulty the Superintendent of the Government Press has been instructed to supply to all heads of offices an extra copy of each correction slip which should be placed in a guard book and filed.

7. The revision of the Manual has been carried through by Mr. W. Gaskell, I.C.S., and it is hoped that the great care he has given to the work has made the book easier to refer to, handier and more complete.

J. W. HOSE,
Chief Secretary.

ALLAHABAD :
The 25th March, 1911.

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ERRATA

Page 67—In Para. 175, line 3, for “exists”, read “exits”.

Page 80—In Note (b) to Para. 202, line 4, for “infromation”, read “information”.

Page 106—In margin against Para. 271, for Old para. “444”, read “442”.

Page 141—In margin of Para. 357, for Old para. “78-1D”, read “718-D”.

Page 157—In marginal heading to Para. 377A, for “senteneed”, read “sentenced”.

Page 158—In Para. 5, line 3, for “oomlying”, read “complying”.

Page 197—In Para. 459, item 9, column 4, line 7, delete “the”.

Page 206—In the sub-heading, for “HONOABY”, read “HONORARY”.

Page 216—In Para. 496, line 11, for “proceedigs”, read “proceedings”.

Page 225—In Note (2), line 1, delete “a”, after “give”.

Page 238—In Para. 558, line 6, for “coerrspondence”, read “correspondence”.

Page 240—In marginal heading to Para. 567, for “to been formed”, read “to be informed”.

Page 282—In sub-para. (g)(ii) of Para. 700(1), line 2, for “oetificate”, read “certificate”.

Page 417—In Para. 917, line 3, for “agaricultural”, read “agricultural”.

Page 421—In Para. 931, line 3, for “briths”, read “births”.

Page 548—In Para. 1, line 2, for “ro”, read “or”.

Page 603—In Note below Para. 6(a), line 1, for “thana”, read “than a”.

Page 636—In line 2, after the word ‘space’, for “of”, read “or”.

Page 664—In Para. 18(1), line 3, for “coniditions”, read “conditions”.

Page 697—In first item under the heading “Intestate property in Avadh—”, for para. “366(c)”, read “636(c)”.

I—REVENUE DEPARTMENT

Chapter I—Revenue Rules and Orders

- 1.** The orders of Government relating to this department are published separately as shown in the following list :

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Rules and orders.

A—General Instructions

- (1) The Manual of the Revenue Department, Volumes I and II.
- (2) The Land Records Manual.
- (3) Manual for the revision of maps and records.
- (4) Instructions for the survey of villages.
- (5) Settlement Manual.
- (6) Calendar of Land Revenue Settlements in the U. P. (This gives for each district the period of the current settlement by parganas.)
- (7) Takavi Manual.
- (8) Famine Code.

B—Rules relating to court procedure and to particular Acts

- (9) Revenue Court Manual.
- (10) Partition Manual.
- (11) Rules under the U. P. Encumbered Estates Act, 1934.
- (12) Instructions relating to the issue and redemption of bonds under the U. P. Encumbered Estates Act, 1934.
- (13) Instructions relating to the collection of principal and interest from debtor landlords under the U. P. Encumbered Estates Act, 1934.
- (14) Rules under the U. P. Agriculturists Relief Act, 1934.
- (15) Rules under the U. P. Debt Redemption Act, 1940.
- (16) Rules under the U. P. Regulation of Agricultural Credit Act, 1940.
- (17) Rules under the Settled Estates Act.
- (18) Rules under the U. P. Consolidation of Holdings Act, 1953.
- (19) Rules made under the Agricultural Income Tax Act, 1949.
- (20) Rules under the U. P. Zamindari Abolition and Land Reforms Act, 1950 (I of 1951).

C—Rules relating to particular areas

- (21) Stone Mahal Rules made under the Stone Mahal Act, 1886.
- (22) Rules and Orders relating to the Kumaun Division.
- (23) Manual of Land Tenures of the Kumaun Division.

(24) Rules relating to the management of Tarai and Bhabar Government Estates.

(25) Rules relating to the management of the Dudhi Government Estate.

(26) (i) The Jaunsar-Bawar Pargana (Sayanas) Regulations, 1948 ;

(ii) The Jaunsar-Bawar Pargana (excluding Khat Haripur Bias) Tenants Protection Regulation, 1949 ;

(iii) The Jaunsar-Bawar Pargana (Additional Commissioners' Powers) Regulation, 1949, and

(iv) The Jaunsar-Bawar Pargana (District Dehra Dun) Debt Control Regulation, 1948.

(27) Administrative Instructions relating to the management of Garhwal Bhabar Government Estates, Garhwal.

(28) Rules under the Jaunsar-Bawar Security of Tenure and Land Records Act, 1952.

D—Miscellaneous

(29) Locust Control.

Chapter II—Retention and Destruction of Records in Offices under the District Magistrate

Old para:
1108.

2. The instructions in this chapter supplement the rules issued by the High Court and the Board of Revenue with the approval of Government and should be observed in the destruction of non-judicial records in offices under the District Magistrate. These instructions do not affect the rules for the retention of records contained in the High Court Rules and Revenue Manual, nor do they affect those issued by Government for the disposal of papers connected with the working of the Arms Act. Rules for the disposal of records are made under section 3 of the Destruction of Records Act, 1917.

1109.

3. (1) In all correspondence, reminders, explanations of delay and dockets on mere matters of routine should be destroyed when the file is closed, and before it is finally consigned to the record room. The originals of papers, of which printed copies have been received, may be destroyed on receipt of the printed copies.

Destruction of reminders and unimportant papers.

(2) Applications for copies may be destroyed one year after disposal.

(3) Circulars, etc., should be destroyed when they are cancelled or superseded.

1110.

4. (1) Papers not destroyed under the above rule should be destroyed after the expiry of 3, 12 or 35 years, or retained permanently in accordance with the classification given in Appendix I.

Retention of other papers.

(2) The first of those lists refers to merely routine statements or to miscellaneous correspondence of no permanent value. It should be noted that no important correspondence should be destroyed after three years even though it comes under one of the subjects included in that list but should be retained for a longer period to be determined by the officer-in-charge.

(3) The lists in Appendix I are not exhaustive, but it is believed that they are sufficiently complete to be of practical use.

Papers not entered in any of the lists and which are not covered by the rules mentioned in paragraph 2 may be treated by the officer-in-charge as pertaining to the list which appears most appropriate—the general principle being always that only miscellaneous correspondence of no permanent value is to be destroyed after three years. Doubtful cases should be decided by the District Magistrate who may, if necessary, refer to Government if guidance is required in respect of papers of importance. The District Magistrate may at any time and at his discretion direct that any non-judicial document or paper be retained for a period longer than that prescribed.

4 RETENTION AND DESTRUCTION OF RECORDS IN OFFICES UNDER
THE DISTRICT MAGISTRATE

- Old paras. (4) No amendment or addition shall be made in the said Appendix except with the concurrence of Revenue Department to whom all such proposals should be referred by the department concerned.
1111. **5.** In calculating the time fixed for the destruction of records the computation will be from the commencement of the calendar year succeeding that in which the correspondence took place.
Calculation of weeding period.
1112. **6.** All papers to be destroyed should be selected by the record-keeper and the Office Superintendent and submitted for the inspection of the officer-in-charge and no papers will be destroyed without his orders. It is his express duty to satisfy himself fully that no papers are being destroyed which by their nature are such that they should be preserved for a further period. In every case of doubt or whenever he considers that any record or paper should be retained for a longer period than that prescribed, the officer-in-charge will obtain direction from the District Magistrate regarding the period of retention. The record-keeper and the Office Superintendent should clearly understand their duties in this respect; they must realize that they are individually responsible to bring to notice every paper or document in which the period of retention noted is apparently inadequate.
Procedure in weeding.
1113. **7.** Annual clearances of useless papers, except as in paragraph 3 above, should be effected between May and September.
Annual clearance of papers.

II—APPOINTMENT DEPARTMENT

Chapter III—Rules regarding Recruitment

A—General

8. Separate rules exist prescribing qualifications, etc., for candidates for direct appointment to the various services and posts under the State Government. A reference to those rules should be made in dealing with questions of recruitment.

Rules for recruitment.

In this chapter are contained certain rules of a general nature which do not find place in the rules mentioned above.

B—Educational Qualifications

9. (1) In the case of services or posts for which no regular rules for recruitment have yet been framed, no person who has not passed the High School Examination of the Board of High School and Intermediate Education, Uttar Pradesh or an examination recognized as equivalent thereto, shall be appointed to a superior post carrying a salary of Rs.25 or more, and for which a knowledge of Hindi and/or English is necessary, unless he is granted exemption by the Governor by an order passed before his appointment.

Qualification for superior service.

old paras.
322, 335,
336 & 339.

(2) Where an educationally unqualified person has been exempted by the Governor for appointment to a post, his subsequent promotion to a higher grade will require the sanction of the Head of the Department or the Commissioner, or, if the post is not under the control of the Head of a Department or Commissioner, the sanction of the State Government will be required.

NOTE—This rule does not apply to district treasurers and record-keepers.

C—Age Provisions

10. When no age limit has been prescribed in rules regulating recruitment to a superior pensionable service or post under Government, a person whose age exceeds twenty-five years shall not be admitted to that service or post without the sanction of the Governor where he is the appointing authority or in other cases, the Head of the Department.

Age limit.

Subsidiary
Rule 187,
Financial
Handbook,
Volume II.

11. (1) Notwithstanding anything to the contrary in any rule regarding the maximum or minimum age of recruitment to a service or post in connection with the affairs of the State, the age limit may be relaxed in favour of any candidate or class of candidates only, if (i) in cases in which the appointing authority is the Governor, he, or (ii) in other cases, the Head of the Department, considers this necessary in the interest of fair dealing or in the public interest.

Relaxation of age limit in public interest or for fair dealing.

Notification
no. 1129(5)/
11—175-39,
dated July
31, 1941.

(2) In this rule "Head of Department" means the authority which is declared to be the Head of the Department for the purposes of the Fundamental Rules, and of the Subsidiary and Supplementary Rules made by the State Government, and includes a District and Sessions Judge.

(3) In cases where recruitment is made through the Uttar Pradesh Public Service Commission, that body shall be consulted before the rule is relaxed.

Notification
no. 6969/
11-42-42,
dated
December 7,
1944.

12. Notwithstanding anything contained in any rule regarding the age of recruitment the maximum age limit applicable to a candidate of the Scheduled Caste for any post shall be greater by three years than the age limit prescribed for other candidates.

**Relaxation of age limit
for Scheduled Castes.**

Notification
no. O-4019,
11-13-1011-
47, dated
December 3,
1948.

13. The maximum age limit for recruitment to every service or post is raised by one year in the case of persons holding the Diploma of Social Service.

**Relaxation of age limit
for social service.**

Old para.
1336.

G. O. no. O-
71/11-12-
42, dated
March 13,
1942.

14. It is important that the age of a candidate for direct recruitment should be correctly recorded. This can be done at the time of appointment and appointing authorities shall, when making first appointment, obtain for permanent record evidence regarding the correct age of the candidate. The date of birth or age recorded in the High School Examination Certificate should ordinarily be accepted. If there is any reason to doubt the accuracy of the date of birth or age as recorded in that certificate, the candidate should be required to produce further evidence which may be in one or more of the following forms :

Record of age.

- (a) the affidavit of the parent or guardian ;
- (b) the production of the horoscope or such other record ;
- (c) copy of the scholar's record showing the date of birth at the time of first admission to a school ;
- (d) production of a medical certificate by the civil surgeon of the district ;
- (e) an authenticated birth or baptismal certificate.

When the date of birth has stood unchallenged for a number of years, it should not be altered except in very exceptional circumstances. Thus the age of a government servant as recorded in his service book and attested for a number of years should not be corrected only on the ground that it is different from that noted in the Matriculation certificate.

D—Fitness Certificates

- 15.** Reference should be made to the provisions of the relevant rules in the U. P. Fundamental Rules and Subsidiary Rules for direction in respect of fitness certificates.

Certificate of fitness.

Old para. 1337.

E—Principles of Recruitment

- 16.** Consistent with the maintenance of efficiency of administration—(a) the interests of the backward classes shall in general be borne in mind in making appointments; and (b) there shall be a general reservation of 10 per cent of the vacancies for members of the Scheduled Castes in making appointments to services and posts in connection with the affairs of the State :

Reservation of posts.

Office Memo. no. O-2266 11-B--13-46, dated August 26, 1959.

Provided that if in any one year candidates of the Scheduled Castes fail to be recruited to any service or establishment to the extent of ten per cent, the deficiency shall be made good in recruitment to the service or establishment concerned in the following year:

Provided further that the reservation on account of the deficiency shall not be carried forward for more than one year.

- 17.** (1) Subject to the reservations in the foregoing paragraph direct recruitment to all services and posts in connection with the affairs of the State shall be made only on merit.

Principles of recruitment.

G. O. no. 8068/11—251-47, dated September 18, 1947.

(2) In making promotions communal consideration shall be entirely disregarded.

- 18.** The interests of the inhabitants of the Jaunsar Bawar Pargana of the Dehra Dun District and of the area south of the Kaimur Range in the Mirzapur District should be borne in mind in making appointments to government service.

Recruitment of people of Jaunsar Bawar and of the area south of the Kaimur Range.

G.O. no.O-2398/11—B-93-49, dated September 1, 1949.

F—Consultation with the Public Service Commission

- 19.** Under clause (3) of Article 320 of the Constitution, the State Public Service Commission must be consulted on matters specified therein, except those in which it is not necessary to consult the Commission under the U. P. Public Service Commission (Limitation of Functions) Regulations. Those regulations have been published separately and should be referred to by all appointing authorities.

Provision for consultation.

Chapter IV—Confidential Records of Gazetted and Subordinate Officers

A—Confidential Reports

Old para.
210.

20. (1) Before May 1 each year every Head of Department will forward direct to Government in the Administrative Department concerned a confidential report in respect of each subordinate officer of gazetted rank under his charge. The Head of Department's opinion will be based on his personal observation and knowledge of each officer and in the case of subordinate officers on confidential reports which he should obtain from their immediate superiors by April 15 :

Provided that reports on District Officers, I. C. S., I. A. S. and P. C. S. Officers and Judicial Officers shall continue to be submitted by the Commissioners of Divisions to Government through the Administrative Member, Board of Revenue, who will, in each case, add his own comments based on his own personal observations.

(2) Reports in respect of non-gazetted officers should continue to be submitted to Heads of Departments as usual but will be for the period April 1 to March 31.

21. Annual confidential reports will be recorded during April-May each year in respect of Heads of Departments and other high officers of Government. Reports on the Heads of the Departments shall be recorded under the orders of the Minister in charge of the Department, though the Secretary of the appropriate department may submit for his assistance a note. Reports on Commissioners will be recorded by the Administrative Member, Board of Revenue.

22. Reports on officers of the administrative services should be made according to the form given in Appendix 2. A general form of report is preferable to one which prescribes specific headings but in order to ensure adequate detail the form has been made to indicate generally, though not exclusively, the points which the report should cover. The object of requiring annual reports is to enable Government to have a clear idea about the capacity of each individual officer and all such reports should be detailed and objective so that Government can judge his aptitude for any particular post or general suitability for promotion. It is not suggested that opinions expressed should invariably be based on definite and concrete instances to be mentioned in the report but what is required is a report recording all aspects of the officer's work and conduct in the discharge of his duties and a careful opinion regarding integrity and efficiency in the branches of administration with which he is concerned.

O.M. no.
4738/II—
30(10)-38,
dated October 2, 1941.

G.O. no.
8677/II-A—
38-48,
dated March 25, 1950.

CONFIDENTIAL RECORDS OF GAZETTED AND SUBORDINATE OFFICERS 9

In view of the general importance of touring specific mention of the following matter should also be made:

(a) Does the officer whose conduct is under report tour adequately?

(b) Does he maintain adequate touch with and control over his subordinates or does he leave work unduly in their hands?

(c) Is he in touch with the general public in all parts of the area under his charge?

In making reports on officers of the State Civil (Executive) Service whose seniority is such as to render this fact important it should be specifically stated whether those officers are considered fit for promotion to the posts normally reserved for officers of the Indian Civil Administrative Cadre.

23. Where annual reports on officers are made by their immediate

Expression of opinion by forwarding authority.

superiors and forwarded to Government through a higher authority, it is the duty of the higher officer to satisfy himself about the

G. O. no. 5677/II-A—38-1948, dated March 27, 1950.

correctness and adequacy of the report and he should also invariably express his own opinion about the officer concerned.

24. There is no restriction on the use of confidential reports by

Use of confidential reports by Public Service Commission.

the Public Service Commission but ordinarily unless an officer's general character is in issue, the principle to be followed should be that the report should not be referred to Tribunals

G. O. no. 4738/II—30 (10)-1938, dated October 2, 1941.

dealing with disciplinary cases until they have reached a finding on the charges framed.

25. Officers of the Indian Civil Administrative Cadre and the

Communication of adverse report on I. C. A. and I. P. S. officers.

Indian Police Service Cadre should be made aware of defects, if any, pointed out in the reports on them and in communicating such defects no attempt should be made to

G. O. no. 4738/II—30 (10)-1938, dated October 2, 1941.

differentiate between remediable or irremediable defects. Further as an exception to the general rule that commendatory remarks in confidential reports should not be communicated it has been decided that arrangement should be made to communicate to an officer any remarks in his confidential report for the year following that in which an adverse report was communicated to him which indicate that he has taken steps to remedy the complaint. Adverse remarks in respect of the officers of the Indian Civil Administrative Cadre and the Indian Police Service Cadre will be seen by the Minister in charge and the Chief Minister before they are communicated and hence it will not be open to the Head of the Department to communicate such adverse remarks before submission of his report to Government.

26. In the case of other officers, Government will inform the

Communication of adverse reports on other officers.

Head of Department whenever it considers that the report, either taken by itself or in conjunction with the previous record, is of such a nature that a warning might eradicate

Old para. 210.

or help to eradicate the particular fault pointed out and ask him to

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communicate the substance of the report to the officer concerned in a suitable manner and to note the fact on his personal file.

G.O. no.
6877/II-A—
38-1948,
dated March
25, 1950.

27. While Government do not wish to deny a right of representation to any of their officers it should be clearly understood that any officer, who makes personal attacks and insinuations against his superior officer in the course of his representation, will have it summarily rejected on that ground and, if necessary, disciplinary action will be taken against him. Representations should be confined strictly to the merits of the question at issue and should not contain any insinuation direct or indirect against a superior officer.

Representation against
adverse remarks.

G.O. no.
8120/II-A—
15-48, dated
December
28, 1948.

28. When submitting confidential reports on any officer who has exercised magisterial or revenue powers of the first class during the year under report the District Magistrate shall forward an abstract of the statement showing the outturn of case work prescribed by G. O. no. 8120/II-A—15-1948, dated December 23, 1948. In the abstract to be attached to the confidential report the District Magistrate shall reproduce the totals and monthly average under each head in columns 3 to 5 of the form and will add his remarks about the officer's attendance in court and such other remarks as he may deem fit.

Abstract of case work
statement to accompany
confidential reports.

G.E. no.
2372(1)/II
—30(10)-38,
dated
August 12,
1948.

29. The names of all officers making confidential reports should be typed or written in block letters below their signature.

Names of reporting
officers to be type-written.

B—Grant of Integrity Certificates

G.O. no.
2327/II-B—
69-48,
dated July
24, 1948.

Annexure
III to G.O.
no. O-305/
II-B—1953,
dated January
30,
1953.

G.O. no.
O-485/II-B
—69-48,
dated April
24, 1950.

30. (1) The attention of all reporting authorities is drawn to the instructions contained in paragraph 2 of G. O. no. 2327/II-B—69-1948, dated July 24, 1948, regarding the action to be taken with regard to the grant or withholding of integrity certificates and heads of offices and departments must be thoroughly familiar with those directions. The grant of integrity certificates is an important function to which sufficient thought should be given and which should be discharged with great care. There should be no disposition to deal with the matter in a casual or mechanical fashion or in a routine fashion. Superior officers should attach due and proper weight to reputation when deciding whether to grant or withhold integrity certificates.

Integrity certificates.

(2) The instructions contained in paragraph 2(3) of G. O. no. 2327/II-B—69-1948, dated July 24, 1948, have been cancelled so that superior officers are free to exercise their judgment and discretion in the matter of withholding of integrity certificates. When the certificate is withheld the consequences of stoppage at an efficiency bar, stoppage of annual or other ordinary increments, or non-confirmation of a probationer, until the integrity certificate is secured again, shall follow. Likewise cases in which the integrity certificate is withheld on two successive occasions will continue to be referred to the Administrative Tribunal in accordance with the rules prescribed for that purpose.

CONFIDENTIAL RECORDS OF GAZETTED AND SUBORDINATE
OFFICERS

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(3) Where the original order withholding an increment for failure to obtain an integrity certificate is passed by the Governor the prior approval of Public Service Commission has to be obtained. When, however, an officer is held up at an efficiency bar consultation with the Public Service Commission will not be necessary.

(4) To ensure that there is no capriciousness involved in the withholding of integrity certificates, the Government servant concerned shall have the right to make a representation to the next higher authority, whenever the former's integrity certificate is withheld.

31. Superior officers should keep a general watch over the standard of living of their subordinates and wherever evidence is forthcoming that a particular subordinate lives beyond his means, he should be asked to explain how he is in a position to do so. Unless the superior officer is satisfied with the explanation, he should withhold the integrity certificate of the person concerned.

Annexure
III of
G.O. no.
305/II-B—
1953, dated
January 30,
1953.

32. The integrity certificate is an integral part of the annual confidential report and in order that the requisite remarks on integrity may be included in the report, it is necessary that District Officers should have made up their minds by April 15 each year about the officers to whom integrity certificates will be refused: Commissioners should then be able to decide by May 1, the date by which they are required to forward their report to Government, whether or not integrity certificates were withheld by District Officers on sufficient grounds. Similarly, action should be taken by other departments having corresponding channels for the submission of confidential reports.

G.O. no.
O-2851/II-B
—69-48,
dated
October 5,
1949.

33. (1) Every Departmental Head and every officer in charge of responsible work or controlling a fair number of subordinates will give a declaration to the effect that he has made every possible effort to check corruption among his subordinates. Departmental Heads and other senior officers will also express their opinion about every officer of gazetted rank under them as to his reputation and integrity. This report will be made annually in the form given in Appendix 3 and figures should be given to show the percentage of subordinates who are, in the opinion of the officer making the report, of undoubted integrity. The report should state the action taken to effect improvement and should contain detailed comments about the steps taken consequent on the withholding of integrity certificates.

G.O. no.
2327/II-B
—69-48,
dated July
24, 1948.

(2) After consideration of the above report Government will in the case of Heads of Departments and certain other senior officers, give a certificate in the form given at the end of Appendix 3. The certificate will be granted only to officers who have exerted themselves fully to improve the tone of their subordinates and who have taken vigorous steps to ensure that the instructions about the grant of integrity certificates are followed.

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G.O. no.
2851/II-B—
69-48,
dated
October 5,
1949.

34. Under the Conduct Rules every Government servant is required to make a declaration of all immovable property held or acquired from time to time by him or by his wife or by any member of his family living with, or in any way dependent upon him. Such report should be made whenever any property is acquired. In addition Government servants whose increments have been stopped on the ground that their integrity certificates have been withheld should be specifically asked every six months, after the passing of orders withholding increments, whether they or any member of their family living or dependent upon them have acquired any property during the preceding six months and the replies received should be put up for such further scrutiny as may be considered necessary in each individual case and the result communicated to Government through the Head of the Department.

Enquiry regarding property where increment stopped.

C.—Record of officers qualifying for special additional pension

G.O. no.
1861/II—
451-42,
dated
October 2,
1945.

35. (1) In the case of officers holding posts qualifying for additional pension, the Head of the Department will in addition to the remarks in the annual confidential report also make a separate note whether, in his opinion, the services of the officer and his conduct during the period he has held the qualifying post have been up to the required standard.

Annual review.

(2) This report will be sent to the appropriate Secretary to Government with a definite recommendation whether the services rendered during that period should count for special additional pension.

(3) If on receipt of the report Government is not satisfied that the service and conduct of the officer have been up to the required standard a warning will be issued to the officer that his work in the previous year has not been considered satisfactory and that although the final award of additional pension will depend upon his service as a whole, his additional pension for that year, and for further years, will be liable to reduction or refusal unless certain defects which should be specified, are remedied. If, however, the work of the officer is such as to justify his reversion or compulsory retirement, action will be taken to revert him or to order his retirement.

36. On completion of service the remarks recorded in the annual reports will be reviewed by Government who will then consider whether the maximum additional pension may be granted. If it is considered that the maximum additional pension should be reduced or withheld then in such case the views of the appropriate Public Service Commission will be obtained before any final decision is taken.

Final review.

D—Character Rolls

37. Character rolls will be maintained for all gazetted and subordinate officers. The rolls of members of the

O. M. no.
2076/11—
685-34,
dated April
5, 1937.

Custody of character rolls. All-India Services and of all State Services, other than members of the State Judicial Service below 15 years' standing, will be kept by Government in the Administrative Department concerned in two parts. The rolls of members of the I. C. S. on the judicial side, and those of members of the U. P. Higher Judicial Service as also those of members of the U. P. Civil Service (Judicial Branch) who have rendered more than 15 years' service, will be maintained by Government.

38. The first part of the character roll will contain the annual report received from the Head of the Department under whom the officer is directly working, e.g., Commissioner, Head of the Department

Maintenance of character rolls.

or High Court. The second part of the roll will be reserved for any entry which may be made under the orders of Government. It is contemplated that entries in part II of the roll will be sparingly made and only, if at all, in the case of officers of 8 years' service and upwards.

39. On termination of service, the copies of character rolls of officers of the Indian Civil Administrative Cadre and of Deputy Collectors should not be retained in the office, where the officer was

Note to
old para.
366.

Custody of rolls on termination of service.

last employed but should be sent to Government in the Appointment Department.

Chapter V—The State Civil Service

A—General and special provisions

Old paras.
101-102. **40.** For general and special provisions relating to rights, privileges and protection, reference should be made to the relevant Articles applicable to the State Civil Service in Chapter I of Part XIV of the Constitution and to the Civil Services (Classification, Control and Appeal) Rules.

B—Deputy Collectors

103-117,
119-126. **41.** Rules regarding the recruitment and conditions of service of the U. P. Civil Service (Executive Branch) are to be found in the pamphlet entitled "Rules regulating appointment to and the conditions of service of the Executive Branch of the U. P. Civil Service".

118 **42.** Particulars regarding the examination and training of Junior Officers of the Civil Service are given in the "Rules for the conduct of Departmental Examinations and training of Junior Officers" which are published separately.

128. **43.** When a Deputy Collector is posted to a district, the Collector shall ascertain whether there is any objection on the ground of family or other interests to the presence of the Deputy Collector in his district, and shall, if necessary, report the result of his enquiries to Government.

129. **44.** Transfers of Deputy Collectors from one district to another are made under the orders of Government. In ordering the transfers, Government will consider the home district of the officer, the districts in which he has previously served and the place where he will be most useful. Ordinarily a Deputy Collector will not be kept in the same district for more than three years.

133. **45.** Deputy Collectors are forbidden to address Government direct on the subject of their promotion, leave or transfer or to make any representation—formal or informal—on such matters other than through the officer under whom they are immediately serving.

132 **46.** Commissioners are expected to keep themselves acquainted with the work of the Deputy Collectors in their divisions and any grave dereliction of duty should be reported to Government at once.

District Officers should pay special attention to the work and character of probationary Deputy Collectors.

Chapter VI—Subordinate Officials

A—General conditions of employment

- 47.** Vacancies in the public service shall not be intimated to private employment agencies. Government Employment Exchanges have been set up for the assistance of both employers and persons seeking employment.

Vacancies not to be intimated to private employment agencies.

G. E. no. 1665/11—73-48, dated May 10, 1948, and G. E. no. O-1800/11-B—73-48, dated June 25, 1949.

- 48.** (1) "Rules for the recruitment of ministerial staff to the subordinate offices" have been published with the Appointment Department notification no. O-1119/II-B—50, dated July 11, 1950, on pages 295 and 296 of Part I-A of the *Uttar Pradesh Gazette*, dated July 15, 1950, as amended from time to time. No person shall be appointed to a post to which those rules apply save in accordance therewith and subject to having the educational and other qualifications prescribed.

Recruitment of ministerial staff for subordinate offices.

G.O. no. O-2448/II-B—111-50, dated August 30, 1950.

(2) Applications to appear in the competitive examinations held under the above rules will be regulated by the following instructions :

(a) the vacancies ascertained in accordance with rule 4 shall be communicated by the head of the subordinate office concerned to the District Employment Exchange ;

(b) the District Employment Exchange shall also on their part take steps to make known the number of vacancies to be filled ;

(c) candidates shall submit their applications to the head of the subordinate office through the District Employment Exchange ; applications not submitted through the District Employment Exchange shall not be considered ;

(d) the District Employment Exchange shall scrutinise the applications and send the applications of suitable candidates to the head of the subordinate office ;

(e) the number of applications to be forwarded by the District Employment Exchange shall not be less than four times the number of vacancies available : provided that if the number of candidates is less than four times the number of vacancies, all applications shall be sent ;

(f) the District Employment Exchange shall also send to the head of the subordinate office the names and particulars of the candidates whose applications are not forwarded together with reasons for not forwarding the applications ;

(g) if the head of the subordinate office considers that any candidate whose application has been withheld by the District Employment Exchange should, for reasons to be recorded in writing, be permitted to take the examination, such candidate shall be permitted to take the examination : provided that the number of candidates so permitted does not exceed 10 per cent. of the total number of vacancies.

(3) The procedure mentioned above shall not apply where there are no District Employment Exchanges. In such cases the head of the subordinate office concerned shall be free to entertain applications directly.

Rule 8 of the above rules provides that appointments to higher posts shall continue to be made by promotion. If, however, the rules of, or the practice obtaining with regard to, recruitment of ministerial establishment in the office of a Head of Department provides for direct recruitment to the higher posts, such recruitment may continue to be made, but in every case suitable tests should be prescribed.

Old para.
351.

49. The number of paid apprentices in a district is generally 9 per cent. of the strength of the permanent establishment of the district. Their pay is Rs.40 per mensem. A list of the existing permanent paid apprentices in various districts is given below :

District	Number of paid apprentices	
Dehra Dun	6	
Saharanpur	11	
Muzaffarnagar	10	
Meerut	15	
Bulandshahr	10	
Aligarh	15	
Mathura	10	
Agra	16	
Mainpuri	9	
Bareilly	11	
Etah	10	
Bijnor	10	
Budaun	13	G. O. no. 6228/IB—576-B-1949, dated September 16, 1949.
Moradabad	13	
Shahjahanpur	10	
Pilibhit	8	
Rampur	Nil	
Farrukhabad	10	
Etawah	9	
Kanpur	21	G. O. no. 3690/IB—516-B-1938, dated March 18, 1939.
Fatehpur	9	
Allahabad	20	
Jhansi	9	G. O. no. 487/IB—62B-1949, dated February 15, 1949.
Jalaun	6	
Hammirpur	7	
Banda	9	
Banaras	9	

District	Number of paid apprentices
Mirzapur	10 G. O. no. 1528/T-B—293-42, dated October 3, 1942, read with Board's letter no. 4031/Rev.—31-A-41, dated May 4, 1942.
Jaunpur	11
Ghazipur	9
Ballia	9
Gorakhpur	17
Deoria	15
Basti	16 G. O. no. 268/T—54-B-43, dated February 17, 1943.
Azamgarh	15
Naini Tal	6
Almora	6
Garhwal	6 G. O. no. 3123/T—287-B, dated August 29, 1934.
Tehri-Garhwal	Nil.
Lucknow	20 G. O. nos. 811/I—287-B, dated April 23, 1937, and 1068/I—176-B-45, dated May 26, 1943.
Rae Bareilly	10
Unnao	9
Sitapur	8
Hardoi	10
Kheri	8 G. O. no. 1426/I—287-B, dated June 19, 1937.
Faizabad	10
Gonda	9
Bahraich	10 G. O. no. 15/IB—564-B-1943, dated February 11, 1949.
Sultanpur	10
Pratapgarh	7
Bara Banki	9

50. (1) All appointments of paid apprentices shall be made in order of merit from amongst candidates who have been successful at the competitive examination for ministerial staff. Old paras. 352-353.

Employment of apprentices.

(2) No person shall be appointed a paid apprentice who has exceeded the age of 21 years.

(3) Apprentices shall have a claim to all vacancies in the lower grades of appointments in the office in which they are for the time being employed in preference to all persons except those who have been discharged on reduction of establishment.

(4) Apprentices should be required to attend the office regularly and their punctual attendance should be insisted upon.

Old paras.

(5) Each apprentice shall have his place and duty distinctively assigned to him in the office in which he is employed and shall ordinarily work under the supervision of a permanent superior official.

(6) The entertainment of apprentices shall in no way affect the responsibilities of officials.

(7) Apprentices should not be entertained in the treasury or the record-room except when appointed to officiate in substantive posts : they should not be employed in any post of which the duties are such that embezzlement is rendered possible if its duties are not properly discharged. In no case where embezzlement or neglect of orders causing loss to Government is brought to notice, can it be accepted as an excuse that the work had been made over to apprentices, and this must be clearly understood with regard to all matters entrusted to them.

(8) A register of apprentices shall be maintained showing :

(a) The date of appointment.

(b) Work on which employed from time to time.

(c) Officiating periods in substantive posts.

(d) Remarks as to character and work to be recorded by the Office Superintendent with the approval of the gazetted officer in charge of the office—

(i) on conclusion of any officiating period in a substantive post exceeding three months.

(ii) otherwise generally in March and September each year.

(9) A report shall be submitted one year after the date of appointment as to whether the apprentice is or is not fit for retention as such. He should not be reported fit unless—

(a) the record prescribed in clause (8) is good, and

(b) his industry, regularity, accuracy, handwriting (which must be seen) and typewriting are reported to be satisfactory.

This report shall be submitted for the orders of the appointing authority who may, if necessary, obtain any further report as to the apprentice's fitness for retention.

341.

51. At the time of inspection every Head of Department or Commissioner shall see that rules governing recruitment

Observance of recruitment rules.

to services are duly observed by subordinate appointing authorities.

344.

52. The employment of relatives in Government service in the same district is not very objectionable if they are in

Employment of relatives.

departments which have no connexion with each other, but is objectionable if they are in the same or connected departments, and still more so, if in the same office. Most objectionable of all is the employment of relatives of the head of an office either in a similar department or in the same office.

53. In making appointments the greatest care is to be taken to prevent the formation of family cliques of officials. Old paras. 345.

Prevention of family cliques.

54. (1) If a government servant wishes to transfer his services to a different office or department, he must obtain the consent of the authority which appoints to his existing post, before taking up the new employment. If he takes up new employment without such consent, he commits a breach of discipline and is liable to be punished by dismissal from his former post with consequent loss of pensionable service. Resignation from his former employment will not, it should be noted, protect him from this penalty. 346 and 347

Consent to transfer of services.

(2) In granting or withholding consent to the acceptance by a subordinate of other Government employment, the head of an office or department must consider whether the transfer will be consistent with the interests of the public service. Permission should not be refused, however, without strong reason, which should be recorded in writing.

55. Instructions in the preceding paragraph apply equally to government servants on leave, whether with or without allowances. All leave allowances must *ipso facto* cease on taking up new employment other than work of a purely casual nature. 349.

Employment of officers on leave.

56. Government officers on their transfer from one district to another must not, without the special sanction of their head of department previously obtained, take with them or arrange for the transfer to their new districts of subordinate officials who were serving under them in their old districts. 350.

Restriction on subordinates accompanying superior officers on transfer.

57. Office clerks should not be used as camp clerks, except with the prior approval of Government in the administrative department concerned and approval will not normally be given unless it is absolutely essential in the interest of public work. G. O. no. O-843/11--33(1)-46, dated August 19, 1946.

Office-cum-camp clerks

B—Character Rolls and Certificates

58. Character rolls should be maintained in the prescribed form for all government servants in public offices, except inferior servants. The rolls should not be bound up in volumes but should be kept up separately. 355.

Maintenance of character rolls.

Note—This order does not apply to the Police Department and to paid apprentices.

59. Responsibility for maintaining character rolls will devolve on the heads of offices. The rolls will be kept in special boxes made for the purpose : these boxes will remain in the immediate custody of the ministerial head of the office, who will be held responsible that proper measures are taken to guard against risk of loss or destruction of the rolls. 356.

Care and custody of character rolls.

In the case of officials who are directly subordinate to the District Officer, two sets of character rolls will be maintained : one for the sadar office and the other for the tahsil offices.

Old paras.
357.

60. The character roll will consist of four pages : additional pages may be added when necessary.

Contents of character rolls.

On the first page will be entered the name of the official with certain other particulars regarding him, and a statement of his services. On the second page will be shown the names of his relatives in Government service and particulars of landed property held by him. The third and fourth pages are reserved for the remarks of superior officers, notice of commendation or rewards, and notice of censure or punishments.

358.

61. The official concerned will be held strictly responsible for the correctness of the entries in the statement of services as regards his previous service and for the information regarding his relatives in Government service. He should also see that the particulars of landed property owned by him are kept up to date.

Responsibility for character roll particulars.

359.

62. The object of the third and the following pages of the character roll is to secure a continuous record of the efficiency, reputation and general conduct of each official ; all proceedings or reports (annual or other) bearing on all these points ought, therefore, to find mention in the rolls. A number of even petty faults may lead to the conclusion that an official is not efficient. The propriety of making an entry in particular cases should be judged by these considerations; and whenever proceedings result in reward, punishment, commendation or censure the head of the office should give a definite order whether an entry is to be made in the roll or not. If gazetted officers, not being themselves heads of offices, find cause to criticise or commend the conduct of subordinate officials, they should submit their suggestions as to entries in the character roll for the approval of the head of the office. Entries should be as brief as possible, so long as clarity is not sacrificed, and should state the authority under which entry made, e.g., the number, etc., of the record or the paragraph of the annual report. They should be signed by the head of the office or if the entry is made at the suggestion of a subordinate gazetted officer by such officer. In the latter case the entry itself should contain words to the effect that it has been approved by the head of the office.

Character roll entries.

360.

63. (1) By April 15 every year, the head of each office should examine the character rolls of officials and record his opinion as to the efficiency, conduct and reputation of each official during the past year.

Annual entry and integrity certificate.

Annexure
III to G. O.
no. O-305/
II-B.
1953, dated
January 30,
1953.

(2) (a) When the officer making the entry is satisfied without reservation about the integrity of the official concerned, he will in such case also record an integrity certificate in the following form :

“ Certified that nothing has come to my knowledge which casts any reflection on the integrity of——.”

NOTE—Integrity certificates are not required in respect of government servants whose monthly salary is less than Rs. 30.

(b) When the integrity certificate is withheld the head of the office should consider what disciplinary action should be taken. Normally in such cases increments should be stopped apart from any other action deemed necessary.

G. O. no.
2327/II-B—
69-48,
dated July
24, 1948.

(c) Responsibility for granting integrity certificates, which should be scrupulously discharged, should, in no case, be placed on a government servant who does not hold gazetted rank. In order further to secure that there is no capriciousness involved in withholding of such certificates, the government servant concerned shall have the right to make a representation to the next higher authority, whenever the former's integrity certificate is withheld.

(3) If special entries have been made recently in accordance with para. 64, the head of the office will use his discretion as to recording further remarks subject to the necessity of making an annual entry in respect of the official's reputation and integrity.

64. Entries in the rolls may be made at other times in special cases, e.g., when the head of the office is giving over charge and is not likely to return for a considerable period, if at all, or when a question of promotion or transfer arises. In such a case the head of the office may amplify or correct the purport of the previous entries by a new entry giving his reasons for considering the former record inadequate or misleading.

Old paras.
361.

65. (1) All orders of promotion, and of suspension or dismissal, will be entered in the roll. Resignations of office connected with no cause of censure on the conduct of the official may be entered in a separate footnote.

362-363.

Entry of promotion
and punishment and
cancellation of entry.

(2) If any order, whether of approval or censure is overruled by superior authority, the circumstances will be carefully noted by a red-ink entry, written across the original entry.

66. In cases of promotion, suspension or removal, an extract from the character roll, comprising all its entries, will form a necessary part of the record when submitted to higher authority if and when so required.

364.

In promotion and
punishment character
roll extracts to be sub-
mitted to higher authority.

In case of removal or dismissal the service book and character roll or an extract from the latter, should invariably (whenever such records are maintained) be kept in the file.

67. No official who has served in one district should obtain employment in another district without his character roll being filed with the proceeding of appointment : on his appointment in the new district taking place, the roll will be removed from the proceeding and kept with the character rolls of that district.

365.

Character roll to be
sent to district to which
official transferred.

Old paras.
354 & 366.

- 68.** Every entry in the character roll which may adversely affect the promotion of the official concerned must be communicated to him. Copies of the entries in such rolls will not be given.
- Communication of the adverse entries.**

NOTE—An entry which amounts to censure within the meaning of the 'Punishment and Appeal Rules' should be communicated.

- 69.** The granting of commendatory parwanis or separate certificates of good character to serving officials is strictly prohibited, but heads of departments and offices may grant to their subordinates on retirement such special certificates of good work and conduct as may seem fit. Certificates may also be granted in cases of removal or resignation provided the whole truth in respect of character and cause of removal or resignation is stated.
- Grant of certificates.**

366.

- 70.** Character rolls are the property of Government and on termination of service the rolls of subordinate officials should be kept in the office where last employed.
- Custody of rolls on termination of service.**

367.

- 71.** It is the duty of heads of departments and Commissioners during their annual tours to see that these instructions relating to the maintenance of character rolls are regularly and carefully observed by the various officers concerned.
- Compliance with rules.**

C—Punishment

370-371.

- 72.** A departmental enquiry should be made by a superior in the first instance in any case of alleged misconduct by an official in connection with his duties if the misconduct appears to be such as calls for punishment. If misconduct is found to have occurred and it amounts to an offence punishable by any law, the authority empowered to inflict departmental punishment should determine—
- Provision for departmental inquiry.**

(a) whether the misconduct should be dealt with departmentally, or

(b) whether a prosecution should be instituted, and should record his reasons for adopting the course decided upon.

Prosecution should not be instituted unless the misconduct is such that it cannot be adequately dealt with departmentally.

368.

- 73.** When an official has been prosecuted in a criminal court, and has after trial, on the merits of the case, been declared innocent of the charge brought against him, the verdict should be accepted as final, and the man should not be punished departmentally if the offence for which he was tried constitutes the sole ground for punishment. If, however, the official be acquitted on technical grounds, or if the facts established by the judicial investigation show that his character or conduct as an official has been such as to make it undesirable that his services should be retained by Government, the head of the office to
- Punishment on enquiry after criminal proceedings.**

which he belongs may, in the exercise of the authority vested in him by the rules of the department and after making a full record of the reasons, take departmental cognizance of such character or conduct.

74. Culpable neglect of duty involves liability to dismissal from the service of Government, apart from the question whether an official is convicted of any criminal offence or not. Similarly, incompetence or gross negligence may be quite sufficient to justify dismissal in the interest of the public service, even though it may not amount to an offence punishable by law.

Dismissal for neglect or incompetence. Old para. 368.

75. (1) The punishments which may be imposed on members of a subordinate service by the competent authority are prescribed in rule 1 of the rules published with notification no. 2627/II—264, dated August 3, 1932, as amended by notification no. O-228/II-B-1953, dated January 30, 1953. These penalties are :

Departmental proceedings and punishment.

(i) censure :

(ii) withholding of increments including stoppage at an efficiency bar :

(iii) reduction to a lower post or time-scale or to a lower stage in a time-scale :

(iv) recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders :

(v) suspension :

(vi) removal from the service of the State which does not disqualify from future employment : or

(vii) dismissal from the civil service of the State which ordinarily disqualifies from future employment.

(2) A government servant against whose conduct an inquiry is contemplated, or is proceeding, may be placed under suspension pending the conclusion of the inquiry, in the discretion of the appointing authority :

Rule 1-A as inserted by notification no. O-228/11B-1953, dated January 30, 1953.

Provided that in the case of any government servant or class of government servants, not belonging to a State service, the appointing authority may delegate its power under this rule to the next lower authority.

N. B.—As a rule, suspension should not be resorted to unless the allegations against the government servant are so serious that, in the event of their being established, they may ordinarily be expected to warrant his dismissal, removal or reduction. Suspension, where deemed necessary, should, as far as possible, immediately precede the framing of charges, and their communication to the government servant charged.

Rule I-B
as inserted
by noti-
fication no.
O-228/II-B—
1953, dated
January
30, 1953.

(3) Where, in the case of a government servant placed under suspension, as provided hereinbefore, the inquiry into his conduct results in his dismissal or removal from service, the order of dismissal or removal shall take effect from the date on which the suspension had come into effect. In other cases in which the inquiry does not result in the removal or dismissal of the government servant concerned, his suspension will be deemed to have been covered under clause (v) of sub-paragraph (1) above.

Rule 5 as
substituted
by notifica-
tion no.
O-228/II-B
—53, dated
January
30, 1953.

(4) The procedure laid down in rule 55 of the Civil Services (Classification, Control and Appeal) Rules, as amended by notification no. O-227/II-B—1953, dated January 30, 1953, shall be followed, before any of the punishments mentioned in that rule are imposed.

Rule 5-A
as added by
notifica-
tion no.
O-228/II-B
—53, dated
January
30, 1953.

(5) After the inquiry against a government servant has been completed, and after the punishing authority has arrived at provisional conclusions in regard to the penalty to be imposed, the government servant charged shall, if the penalty proposed is dismissal, removal or reduction, be supplied with a copy of the proceedings prepared in accordance with the procedure laid down under rule 55 of the Civil Services (Classification, Control and Appeal) Rules, excluding the recommendations, if any, in regard to punishment made by the officer conducting the inquiry, and asked to show cause by a particular date, which affords him reasonable time, why the proposed penalty should not be imposed on him :

Provided that, if for sufficient reasons, the punishing authority disagrees with any part or whole of the proceedings prepared as aforesaid, the point or points of such disagreement, together with a brief statement of the grounds thereof, shall also be communicated to the government servant charged along with the copy of the proceedings.

Rule 5-B as
added by
notifica-
tion no.
O-228/II-B—
1953,
dated
January
30, 1953.

(6) (a) Wherever the punishing authority is satisfied that good and sufficient reasons exist for adopting such a course, it may impose the penalty of—

(i) censure, or

(ii) stoppage at an efficiency bar :

Provided that it shall not be necessary to frame formal charges against the government servant concerned or to call for his explanation.

(b) In all cases where a punishing authority imposes the penalty of—

(i) withholding increments in the time-scale at stages where there is no efficiency bar, or

(ii) recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders, formal proceedings embodying a statement of the offence or fault, the explanation of the person concerned, and the reasons for the punishment shall be recorded:

Provided that it shall not be necessary to record such proceedings in cases where a government servant's increment in the time-scale of his pay, at any stage other than an efficiency bar, is stopped due to his integrity remaining uncertified.

76. The distinction that exists between removal or discharge and the dismissal of a public servant should be noted. Old paras. 369.

Distinction between removal or discharge and dismissal.

Removal from office for such a cause as unfitness for its duties need not usually entail any further consequences, and ought not to bar re-appointment to another office for the duties of which the person may be suitable. It should not be accompanied by any subsidiary orders which would operate as such a bar or otherwise prejudice the person in question. Removal should be the penalty in all cases where it is not thought necessary to bar future appointment under the Government. In cases of dismissal, on the other hand, the effect of the order should be to preclude the dismissed person from being re-employed.

77. A subordinate official who is punished departmentally shall, 375.

Supply of copies.

provided that it is required for a first appeal, be entitled, free of charge, to a copy of the order of punishment, which copy he shall file with his petition or appeal. In cases where a second appeal lies under the rules, a copy of the order of the first appeal should also be granted free of cost. All subsequent copies or orders, original or appellate, should be charged for on the scale prescribed,

78. Every member of a subordinate service against whom an 376.

Appeals.

order inflicting any of the following penalties is imposed shall be entitled to appeal as herein-after provided :

Notification no. O-229/II-B-53, dated January 30, 1953.

(i) Reduction to a lower post or time-scale, or to a lower stage in a time-scale ;

(ii) Removal from the service of the State which does not disqualify from future employment ; and

(iii) Dismissal from the service of the State which ordinarily disqualifies from future employment :

Provided that in the case of the other penalties specified in rule 1 of the rules notified with Government notification no. 2627/II—264, dated August 3, 1932, as amended by notification no. O-228/II-B—1953, dated January 30, 1953, the absence of a right of appeal shall not debar the punished government servant from making a representation against the imposition of any one of these penalties to the authority, if any, next higher to the punishing authority.

79. A member of the subordinate service has no right of appeal 376-A.

No appeal against appointment of subordinate to State service.

against appointment of another member of that service to a State service.

Old para.
369.

30. As a precaution against the inadvertent re-employment of persons who have been debarred from Government employment or dismissed, officers should consult the orders issued by Government from time to time debarring particular individuals ; appointing authorities should ascertain by such enquiry as considered necessary whether an applicant for a post has been in Government service before, and should refer to his previous employer if the circumstances connected with his discharge are not clear. The applicant should be required to produce a copy of his service book or other record of service and a person who succeeds in obtaining employment by the concealment of his antecedents should be dismissed on the true facts being discovered. The sanction of Government should always be required to the re-employment of persons dismissed.

NOTE—(1) The above provisions do not affect the general orders issued by Government regarding the verification of character and antecedents of persons seeking employment under the Government.

G. O. no.
1191/II—
44, dated
September
2, 1944.

(2) Notices will no longer be received regarding the dismissal of government servants from the service of the Bengal Government. If it is proposed to appoint a person hailing from Bengal the appointing authority should send a verification roll (preferably in the form below) to the Special Branch, Calcutta, in the case of persons normally resident in that city, and to the Superintendent of the district concerned in the case of persons resident in the mufassil :

Sample Verification Roll

- (1) Name in full, with *alias*, if any.
- (2) Father's name in full with designation of service, if any.
- (3) Home address in full (showing village, thana and district).
In Calcutta the name of the road with number.
- (4) Other address, if any.
- (5) Date of birth.
- (6) Educational qualifications showing places of education and years in schools and colleges from the age of 15 years.
- (7) Offices and firms with full descriptions and addresses where candidate previously worked.
- (8) Post for which the candidate is an applicant.

Chapter VII—Leave

A—General rules

Old paras.

81. Leave rules will be found in the Financial Handbook, Volume II. 169.

82. An officer of the Indian Civil Administrative Cadre intending to apply for leave during the hot weather should communicate his intention demi-officially to the Chief Secretary to Government by the end of February each year. The notice should indicate the period of leave required and the approximate date of the commencement of leave. In cases where short leave not exceeding six weeks is required during any other part of the year, advance notice should be given demi-officially to the Chief Secretary to Government. Formal applications on the prescribed form should be submitted separately through the Accountant General.

Leave applications by I.C.A. Cadre Officers.

83. (1) Deputy Collectors who propose to apply for leave requiring the sanction of Government should ordinarily report their intention of so applying through the District Officer by August 1 or January 1. District Officers should disregard such intimations unless they are satisfied that the intention is genuinely held. Where leave has been taken within three years of the intimation, full reasons for proposing to apply must be given. If applications are made without the necessary prior intimation then failure to give notice must be justified. 130.

Leave applications by Deputy Collectors.

(2) Government regard with disapproval applications for leave following orders of transfer. Such applications should not be forwarded unless District Officers can support the reasons given as valid.

84. District Officers will report to Government at the end of August and the end of January each year regarding the probable state of the staff in their respective district during the cold and hot weather respectively. The reports should show the number of officers desiring leave, the retirements pending, the transfers necessary, and any possible arrangements, and should include a clear statement of the net number of vacancies to be filled. 170.

Arrangements in districts for cold and hot weather postings.

85. Applications for leave should be submitted through the Accountant General at least six weeks in advance of the date from which the leave is required. 171.

Leave applications to be forwarded through Accountant General.

86. The Settlement Commissioner should submit all applications for leave made by settlement officers, assistant settlement officers and settlement deputy collectors to Government with his remarks thereon. 172.

Leave applications of Settlement Officers, etc.

Old paras.

If a Settlement Commissioner has not been appointed, applications for leave by gazetted settlement officials should be forwarded by the District Officers concerned to the Land Reforms Commissioner who will submit them to Government with such remarks as he may think fit to make.

175.

87. Before proceeding on any leave, except casual leave, all gazetted officers must report their addresses as follows :
Address to be reported.

Leave out of India

All gazetted officers proceeding on *leave out of India*—to (i) the Secretary to Government in the Administrative Department concerned and (ii) the Accountant General, U. P.

Leave in India

(1) Members of the Indian Civil Administrative Cadre to the Deputy Secretary to Government in the Appointment Department.

(2) Deputy Collectors—District Officers.

(3) All other gazetted officers to the heads of their departments.

178.

88. Heads of Departments empowered to grant leave according to Statement IV in the Financial Handbook, Volume II, should notify all such leave in the official *Gazette*.
Leave granted to be published.

B—Casual Leave

187.

89. The following rules are supplementary to rules 201 and 202 of the Subsidiary Rules contained in the Financial Handbook, Volume II.
Responsibility for duties during casual leave.

Casual leave is not recognised under the Fundamental Rules and a government servant absent on casual leave is not treated as absent from duty. Government will make no arrangement to supply the place of officials absent on such leave. The officer granting the leave and the person taking it will be held responsible if the public service suffers in any way from his absence on casual leave.

188.

90. Casual leave may be granted to the extent of fourteen days in all in any calendar year but it may not be combined with any other kind of leave or vacation or extended by holidays or non-working days of any kind. Holidays or non-working days, occurring during the period of absence, must be reckoned as part of the leave. If in exceptional circumstances the sanctioning authority grants for urgent and special reasons a few days more than the fourteen days leave to other than ministerial staff, the grant with the reasons must be reported at once for the information of Government or, in the case of judicial officers belonging to the State Service, of the High Court of Judicature at Allahabad.
Limit of casual leave.

In the case of ministerial staff a few days casual leave in excess of fourteen days may also be granted in exceptional circumstances for urgent or special reasons but in such cases a report need not be made to Government. Old paras.
379-A

91. Casual leave should only be granted for adequate reasons. 189.
Adequate reasons for grant. The concession of casual leave must not be converted into an unauthorised system of privilege leave. Government trusts Commissioners and officers of all grades not to allow the privilege to be abused. A government servant who takes casual leave when on tour is not entitled to draw daily allowance during such leave.

92. (1) The list of authorities empowered to sanction casual leave and to grant permission to gazetted officers to leave the station is given in Appendix 4.
Officers authorized to grant casual leave.

(2) Ministerial, inferior and other non-gazetted subordinate staff may be granted casual leave by the head of the office concerned.

93. Before a Civil Surgeon or a Superintendent of a central prison avails himself of casual leave he should report to the District Magistrate the period of such leave and the date of his departure. He should also report the date of his return. 191.
Report of casual leave by Civil Surgeons and Superintendents of Prisons.

94. Every authority granting casual leave should cause a register of such leave to be maintained in the under-noted form. The register should be examined regularly by inspecting officers : 194.
Casual leave register.

Name and designation of the officials	Leave taken during the year														Remarks
	14	13	12	11	10	9	8	7	6	5	4	3	2	1	

Mr. A .. Jan. 6, 7. July 9 to 11.

Mr. B .. Feb. 3. Mar. 3, 4. Aug. 7 to 10.

G. O. no.
O-1909/11-
171-1943,
dated
December
14, 1943.

Explanatory note :

As fourteen days' casual leave is allowed to every government servant in a calendar year the number of days 1 to 14 is shown in a reverse order beginning from 14 to 1 on the top. If A takes 2 days' leave on January 6 and 7, these dates will be entered against his name, below the figures 14 and 13 as shown in the form, indicating that he has exhausted 2 days' leave and if he takes 3 days' leave again from July 9 to 11, these dates will be entered below the the next three figures 12, 11 and 10 and so on for the whole of the year. The blank entries against the name of an official will show at a glance the balance of casual leave at his credit at any time of the year. As the entries relating to one official will be made on one line for the whole year there will be appreciable economy of paper.

Chapter VIII—Government Servants' Conduct Rules and Subsidiary Instructions

Old paras.

301—323.

95. (1) Rules for the conduct of government servants have been issued separately. A copy of those rules should be so kept in each office as to be easily available for reference by all concerned.

Government Servants' Conduct Rules.

(2) Every gazetted officer on appointment is expected to familiarize himself with the Government Servants' Conduct Rules and all officers must have a full knowledge of those provisions. In particular, the attention of all government servants is drawn to rules 3 and 4 relating respectively to public demonstration in their honour and regarding presentation of troveis, etc., at ceremonial functions. Those rules should be strictly enforced, and public servants are warned that attending parties held in violation of these rules amounts to a breach thereof.

330.

96. Government servants are not prohibited from joining any society, which is not an unlawful society ; but departmental notice will be taken of the conduct of any official who takes part in advocating or organizing a society which sets one class of the community against another, or in propagating the tenets of such a society. All officials, whatever be their creed or religion, are required to observe a strictly neutral and impartial attitude in matters affecting the public and they should not take part in societies of the character described above.

Government servants not to participate in certain societies.

O. M. No.
A-788/II—
225-1947,
dated Sep-
tember 23,
1947.

97. (1) The prior sanction of Government is necessary to the formation of associations by government servants all of whom are not workmen within the meaning of section 2(g) of the Indian Trade Union Act (XVI of 1926). The rules governing recognition of such associations are reproduced in Appendix 5.

Instructions regarding recognition of associations of employees.

(2) Whenever the question of recognition of any such association comes before Government it will be necessary to examine whether the rules of the association are in conformity with the requirements laid down in this behalf ; in particular the qualifications required for office-bearers should be examined. If all office-bearers are not either in the active service of Government or honourably retired officers belonging to the same class of government employees as the association represents, recognition may have to be refused. It is also necessary to insist, as a condition for continued recognition, that the union or association of government servants who are not workmen do not disregard these rules, e.g., by interesting themselves in individual cases or making representations otherwise than in the prescribed manner.

(3) Government servants who can form trade unions will be governed by the Indian Trade Union Act, 1926, with regard to matters connected with the union, but even such employees cannot transgress the Government Servants' Conduct Rules. These rules are framed under statutory authority and if they conflict with the rules of a union or association the Conduct Rules must prevail. Disregard of this condition may result in withdrawal of recognition.

GOVERNMENT SERVANTS' CONDUCT RULES AND SUBSIDIARY INSTRUCTIONS 31

G. O. no.
O.3611/II—
1017-47,
dated Octo-
ber 31,
1947.

98. (1) Government servants and service associations are not to approach Members of Government, Deputy Ministers or Parliamentary Secretaries on any question, personal or general, relating to service matters except through their immediate superior officers. Interviews should not be sought except by previous appointment made through proper channel. If a government servant fails to secure such interview through the proper channel, then only may he seek permission by applying, not by name to the Member of Government, but to the Secretary to Government in the Administrative Department concerned.

(2) Subordinate government servants should be strictly discouraged from any endeavour to influence Members of Government through private agencies in respect of personal matters which come up before Government for decision and such practices are forbidden.

(3) The above instructions do not cover official courtesy calls on Members of Government, Deputy Ministers or Parliamentary Secretaries on their visits to districts or otherwise. But even such occasions should not be utilized to ventilate grievances relating to services or to personal service matters, except in accordance with the above instructions.

(4) Disciplinary action will be taken against any government servants' association or official who fails to observe these instructions.

Old paras.

99. Government servants are prohibited from lending money on interest, whether directly or through relatives or other agents, to property holders with or without security, within the State in which they are employed. Where, however, a government servant belongs to a joint Hindu family which has been carrying on the business, a relaxation of the prohibition may be allowed on the understanding that he takes no active part in the business and is not employed in a district in which the transactions of the firm are carried on.

326.

The instructions in this paragraph should be read in conjunction with the provisions of rule 8 of the Government Servants' Conduct Rules.

100. Rule 6 of the Government Servants' Conduct Rules imposes restrictions on the acceptance or participation of government servants in the raising of subscriptions except with the previous sanction of the authority specified therein. Government servants may, however, serve on a committee engaged in the promotion of approved objects of public utility but they may not without prior sanction ask for or raise subscriptions whether promised at a public meeting or otherwise. Work relating to the collection of subscriptions may be done by the non-official honorary treasurer of the committee or his agent.

331 A.

101. The employment by officers of public servants in making private purchases, or in any private matter in which the receipt and expenditure of money is concerned, is strictly prohibited.

331.

Restrictions on the employment of public servants in making private purchases.

32 GOVERNMENT SERVANTS' CONDUCT RULES AND SUBSIDIARY INSTRUCTIONS

Old parag.

NOTE.—This prohibition does not preclude officers from employing public servants to procure for them conveyance or necessary supplies while they are travelling on duty. though in all such transactions constant vigilance is needed to prevent cheating and extortion.

324.

102. (1) The orders of Government regarding the acceptance of employment by government servants while on leave are contained in Fundamental Rule 69 of the Financial Handbook, Volume II.

Notification no. O-2393/11-B—124-1948, dated July 5, 1948.

(2) A government servant shall not apply for any post under the State Government or under any other Government in the Indian Union except by making an application through the proper channel; nor shall he apply nor enter into negotiations for his employment in any post not under any Government in the Indian Union except after obtaining previous permission in writing from his appointing authority.

329.

103. The following instructions are given for the preparation and maintenance of registers of landed property held by government servants :

Record of landed property held by government servants.

(1) Rule 11 of the Government Servants' Conduct Rules requires every government servant to declare all possession or acquisition of immovable property by him or his wife or members of his family.

(2) This declaration shall be made on first appointment in the form given in Appendix 6 and the head of the office is responsible for obtaining it : all government servants concerned must be invariably informed that in the event of any immovable property coming into their possession after the date of this declaration, they are bound to declare the fact within one month to the head of their office.

(3) Declarations shall be retained in the offices in which the government servants are at the time serving, except in the cases specified in clause 5.

(4) In cases where character rolls or service books are maintained, the particulars of the property held or the fact that no property is held shall be entered under the signature of the head of the office in such rolls or books at the time of first appointment and on receipt of any subsequent declaration.

(5) Where character rolls or service books are not maintained the declarations shall be forwarded to the head of the department or in the case of members of the Statutory Services and Deputy Collectors to the Government and similar entries shall be made in registers to be maintained by the head of the department or the Government, as the case may be.

328.

104. All cases of registration of deeds of transfer of immovable property to which government servants are parties shall be reported by the District Registrar to the Head of the Department, Commissioner of the Division, District Officer, or District and Sessions Judge to whom the official is subordinate (*vide* paragraph 150 of the Registration Manual, Part II).

Report of registration of deeds transferring immovable property to which government servants are parties.

Chapter IX—Supplementary Orders

A—Oath of allegiance

105. An oath or affirmation in the following form shall be taken
Form of oath or or made by all full-time government servants
solemn affirmation. under the control of the State Government
who are subject to the Government Servants' Conduct Rules, includ-
ing those enrolled under the Police Act, 1861 and generally by all
government servants whose conditions of service are or may be regulat-
ed by rules made or to be made under article 309 of the Constitution:

G. O. no.
7228/II—
47, dated
August 14,
1947 and
G. E. no.
7654(1)/II—
131-47,
dated
September
2, 1947.

“ I do swear that
I will be faithful and bear true allegiance to India and to the
Constitution of India as by law established, and that I will
loyally carry out the duties of my office. So help me God.”

or

“ I do solemnly affirm
that I will be faithful and bear true allegiance to India and the
Constitution of India as by law established and that I will
loyally carry out the duties of my office.”

All persons recruited to Government service shall be required to
take an oath or affirmation in the above form before entering on their
duties and shall then sign or attest the completed form which in the
case of gazetted officers should be placed on their personal files while
those signed by non-gazetted officers should be filed or posted in their
character rolls.

B—Measures to promote efficiency

106. Provisions about retirement other than on compassionate,
Premature retirement. invalid and superannuation pensions, are con-
tained in articles 465 and 465-A of the Civil
Service Regulations. According to the amendments to those articles
circulated with Finance Department G. O. no. 2802/X—608-44,
dated October 3, 1947 and G. O. no. M-3882-A/C—608-44, dated
January 8, 1948, and notification no. M-3572/X—608-44, dated
October 15, 1948, retirement may be either at the option of the
government servant concerned or on the orders of Government as
explained below.

G. O. no.
O-1298/II-
B—75-48,
dated May
3, 1949.

(1) Subordinate, Ministerial and Inferior Services :

(a) Those who have rendered qualifying service for 25 years
or have attained the age of 50 years have the option to retire
voluntarily in accordance with G. O. no. 2802/X—608-44, dated
October 3, 1947.

(b) Those who have completed qualifying service for 25 years
or more and do not exercise the option mentioned above may
be retired by Government in accordance with note below article
465 of the Civil Service Regulations.

(2) State Services :

(a) Those who have completed 25 years of qualifying service or 50 years of age, have the option to retire voluntarily in accordance with G. O. no. M-361/X—608-44, dated January 8, 1948.

(b) Those who have completed 25 years of qualifying service and do not exercise the option mentioned above may be retired by Government under note (1) of article 465-A of the Civil Service Regulations.

G. O. no.
O-3251/II-B—58-52,
dated
December
30, 1952.

107. The power of retirement under the above mentioned articles is exercisable by Government where they consider that it is in the public interest to dispense

Procedure for compulsory retirement.

with the services of a government servant who has outlived his usefulness. Such retirement does not amount to 'dismissal' or 'removal' within the meaning of Article 311 (2) of the Constitution, and it is not necessary, therefore, to give an opportunity to the government servant concerned to show cause against the action proposed to be taken in regard to him. For the same reasons, it is not necessary to follow the procedure laid down under rule 55 of the Civil Services (Classification, Control and Appeal) Rules before passing an order of compulsory retirement under the above-mentioned article nor is any special compensation admissible to the affected official.

G. O. no.
1298/II-B—55-48,
dated May
3, 1949.

108. In cases where the option to retire rests with the Govern-

Disciplinary proceedings to compel retirement.

ment servant himself, he may or may not opt to retire, but where it is found by competent authority that it is no longer in the interest of the administration for a particular official to remain in service, due either to deterioration in efficiency or other causes, he may well wish to retire from service rather than face disciplinary proceedings under the Civil Services (Classification, Control and Appeal) Rules or the Disciplinary Proceedings (Administrative Tribunals) Rules, 1947. All officials who are below the average standard of efficiency or whose integrity has been in question should be advised to take advantage of the concession available to them, for, if once disciplinary proceedings are actually started, it is unlikely that they can be dropped.

109. Where power to order retirement rests with Government, the decision to retire inefficient officials on completion of 25 years or more of qualifying service will be strictly enforced. To this end the following procedure will be observed for all government servants covered by Articles 465 and 465-A of the Civil Service Regulations:

Half-yearly list of officials reaching retirement age.

(1) Heads of Departments and other Principal Heads of Offices will submit to Government in the administrative department concerned twice a year a list of officials who will have completed 25 years or more of qualifying service or attained the age of 50 years during the six months ending June 30 and December 31.

These lists should be submitted three months before the commencement of the period to which they appertain. For instance, the lists pertaining to the half-year ending December 31, 1949 should have reached Government not later than the end of March, 1949.

(2) The list should be in two parts, one for gazetted officers and the other for non-gazetted subordinates. The following particulars should be stated in separate columns:

- (a) name of government servant ;
- (b) designation ;
- (c) date of completion of 25 years' qualifying service ;
- (d) date of attaining the age of 50 years ; and
- (e) recommendation of the Head of Department or office about the official's further retention in service.

Reasons for recommending non-retention of a government servant should be succinctly stated. In the case of officials of gazetted rank, their confidential rolls should also accompany the list.

In the list for non-gazetted officials, the names and other particulars of only those non-gazetted officials and inferior servants should be shown who are recommended for retirement. The scrutiny of the list of inferior servants should be done at the district or corresponding level.

In order to give a full picture the list for non-gazetted subordinates will also give the following information at the top:

- (a) number of those eligible for compulsory retirement;
- (b) number of those eligible only for voluntary retirement; and
- (c) number of those who have opted to retire during the half-year.

(3) Recommendations for retirement should be unhesitatingly made in the case of officials whose integrity has been subject to doubt. Further, in the case of government servants who have completed 25 years of qualifying service, chronic inefficiency or dull mediocrity would also be a valid ground against further continuance in service.

(4) These lists will be scrutinized in the administrative department of Government and orders will thereafter issue regarding the officials concerned. In the cases of officials who have not completed 25 years' qualifying service, but who are 50 years of age and whose further retention is not in the public interest, the Administrative Department of Government will ordinarily offer to the official concerned the options available to him under Article 465 or 465-A, as the case may be. If he refuses, Government will consider taking proceedings to enforce retirement and where such action is taken the official concerned will be liable to forfeit all claims to pension or gratuity.

(5) Departments of the Secretariat dealing with services should get the period of qualifying service of the government servant concerned verified by the Accountant General, U. P. in all cases in which they contemplate issuing orders for his compulsory retirement or offering him the option to retire.

G. O. no.
B-1756/II—
49,
dated
January
20, 1950.

110. (1) Government servants who have rendered qualifying service of 25 years or have reached the age of 50 years and opt to retire voluntarily may be permitted, if they so desire, to avail of all leave that might be admissible to them and such leave may be sanctioned by the authority competent to sanction it. If such authority is subordinate to Government the orders of Government will not be required for the sanction of such leave.

(2) Government servants who have rendered qualifying service of 25 years, but who do not opt to retire voluntarily and are retired under the provisions of clause (2) of Article 465 or clause (2) of Article 465-A of the Civil Service Regulations, will ordinarily be allowed the leave admissible to them if they apply for it. It will, however, be for Government to decide when taking a decision about compulsory retirement whether any leave which might be due should be granted or not.

(3) The question of leave will not arise in the case of Government servants who have reached the age of 50 years but have not rendered 25 years' qualifying service, and who do not wish to retire voluntarily and against whom disciplinary proceedings have to be taken.

G. O. no.
O-1298/II-
B—25-48,
dated May
3, 1949.

111. All superior and supervisory officers should periodically check up the efficiency of those under their charge and take prompt and vigorous action against every official found to be deteriorating in efficiency or morals. Superior officers are expected to evolve standards suited to their own sphere of responsibility and the nature of the work under their charge.

112. The fact that consolidated half-yearly lists are to be submitted in accordance with paragraph 109(1) does not preclude a Head of Department or superior officer from submitting a report to Government about any individual officer at any earlier date if so deemed necessary.

G. O. no.
3083/II—
159-42,
dated July
15, 1942.

113. In order that stoppage at an efficiency bar may not operate longer than justified the cases of all Government servants who are so held up will be reviewed annually by the withholding authorities with a view to determining whether the quality of their work has improved, and generally, whether the defects for which they were stopped at the bar have been remedied to an extent sufficient to warrant removal of the bar.

C—Term of temporary service

114. Under Article 309 of the Constitution the following general rules have been framed to regulate the termination of services of temporary Government servants :

Rules regulating termination of temporary service.

(1) Notwithstanding anything to the contrary in any existing rules and orders on the subject, the services of a Government servant in temporary service shall be liable to termination at any time by notice in writing given either by the Government servant to the appointing authority, or by the appointing authority to the Government servant.

(2) The period of such notice shall be one month given either by the appointing authority to the Government servant, or by the Government servant to the appointing authority, provided that in the case of notice by the appointing authority, the latter may substitute for the whole or part of this period of notice, pay in lieu thereof ; provided further that it shall be open to the appointing authority to relieve a Government servant without any notice or to accept notice for a shorter period, without requiring the Government servant to pay any penalty in lieu of notice.

(3) This rule shall apply to all persons who are appointed hereafter in a civil post in connection with the affairs of Uttar Pradesh and who are under the rule-making control of the Governor, but who do not hold a lien on any permanent Government post.

(4) In this rule, "temporary service" means officiating and substantive service in a temporary post, and officiating service in a permanent post, under the U. P. Government.

(5) Nothing in this rule shall apply to—

- (a) Government servants engaged on contract;
- (b) Government servants not in wholetime employment ;
- (c) Government servants paid out of contingencies ; and
- (d) persons employed in work-charged establishments.

D—Disciplinary powers in respect of officers lent by other Governments

115. Government have established in respect of officers lent to them by the Government of India or a State Government or Administration the following convention :

G. O. no.
248/U—
557, dated
January
18, 1935.

(1) No order of removal or dismissal shall be passed by any authority other than the lending authority ; the borrowing authority shall, in a case where he considers that the punishment of removal or dismissal should be imposed, complete the enquiry and revert the officer concerned to the lending authority for such action as the authority may consider necessary.

Procedure for removal or dismissal.

(2) The punishing authority shall consult the lending authority before imposing any lesser penalty (except suspension) and in the case of suspension shall report forthwith to the lending authority the circumstances leading to the imposition of that penalty.

(3) In the case of a difference of opinion between the lending and the borrowing authority as to the imposition of a particular penalty, the opinion of the lending authority shall ordinarily prevail. In such a case the borrowing authority may revert the officer concerned to the lending authority.

NOTE—This convention applies to officers whose services may be lent to the U. P. Government by the Government of India or a State Government or Administration to fill posts borne on the cadre of a State or a subordinate service in Uttar Pradesh.

E—Procedure in disciplinary cases

G. O. no.
O-1827/II-
B-641-41,
dated March
30, 1950.

116. It is the direct responsibility of the punishing authority to ensure that the statutory provisions contained in the Civil Services (Classification, Control and Appeal) Rules, and in the corresponding rules for members of the subordinate services which have been notified under Appointment Department's notification no. 2627/II-264, dated August 3, 1932, as amended from time to time, are duly observed in all cases of punishments imposed upon government servants. These punishments fall into two categories: (1) the major penalties of "dismissal", "removal", or "reduction in rank", and (2) the minor penalties of "censure", "withholding of increments, including stoppage at an efficiency bar", "recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders" and "suspension". The major punishments of the first category are specified in Article 311 of the Constitution, and strict compliance with the provisions of that article is accordingly necessary in all cases of dismissal, removal or reduction in rank, except in the cases covered by the proviso to clause (2) of that Article, namely—

(a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge;

(b) where an authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause; or

(c) when the Governor is satisfied that in the interest of the security of the State it is not expedient to give to that person such an opportunity.

It is also the duty of the punishing authority to keep a close watch on the progress of disciplinary proceedings to ensure that no undue delay occurs at any stage and that the time schedule laid down in Appointment (B) Department's G. O. no. O-305/11B-1953, dated January 30, 1953, is observed as closely as possible.

In certain cases, the State Public Service Commission have also to be consulted before final orders are passed imposing punishments on government servants. Such references to the Commission are governed by the Public Service Commission (Limitation of Functions) Regulations. In all cases in which the punishing authority is an authority other than the Governor, consultation with the Commission is not necessary before imposing any punishment.

117. The procedure to be observed in the case of the major penalties of dismissal, removal or reduction in rank, has been prescribed in rules 55 and 55-A of the Civil Services (Classification, Control and Appeal) Rules, while the position regarding the imposition of the minor penalties is regulated by rule 55-B of the above Rules, and the corresponding rule for members of the subordinate services.

Procedure.

G. O. no.
O-1827/11-
B-641-41,
dated
March 30,
1950,
and
G. O. no.
O-305-11B-
53, dated
January
30, 1953.

The salient points of the prescribed procedure are as below

(a) *Dismissal, removal or reduction in rank*—(i) As soon as it is decided, after making departmental investigations, if any, to undertake formal disciplinary proceedings, the grounds on which it is proposed to take action shall be reduced in the form of a definite charge or charges which shall be communicated to the person charged, and which shall be so clear and precise as to give sufficient indication to the charged government servant of the facts and circumstances against him. (At the same time, a decision should be taken whether the officer should be placed under suspension pending enquiry.)

NOTE.—The standard form in which the charge or charges are to be communicated is given in Appointment (B) Department's G. O. no. O-305/11B-53, dated January 30, 1953.

(ii) The charge or charges should be handed over to the charged officer, and he shall be required, within a reasonable time, to put in a written statement of his defence and to state whether he desires to be heard in person.

(iii) If he so desires, or if the authority concerned so directs, an oral enquiry shall be held in respect of such of the allegations as are not admitted. At that enquiry, such oral evidence will be heard as the enquiring officer considers necessary. The person charged shall be entitled to cross-examine the witnesses, to give evidence in person and to have such witnesses called as he may wish, provided that the officers conducting the enquiry may, for sufficient reasons to be recorded in writing, refuse to call a witness.

SUPPLEMENTARY ORDERS

(iv) After the enquiry has been completed, the officer conducting the enquiry shall prepare a record of the proceedings, including a sufficient record of the evidence and statement of the findings and the grounds thereof. The officer conducting the enquiry may also, separately from these proceedings, make his own recommendation regarding the punishment to be imposed on the charged government servant.

(v) The enquiring officer, where he is not himself the punishing authority, should submit his report prepared as indicated under the preceding item, to the punishing authority, on receipt of which the punishing authority should, after due examination of the report, arrive at provisional conclusions in regard to the penalty to be imposed.

(vi) The punishing authority should then supply the charged government servant with a copy of the proceedings of the enquiring officer, excluding the recommendations, if any, in regard to the punishment made by that officer, and ask the charged government servant to show cause by a particular date which affords him reasonable time, why the proposed penalty should not be imposed on him. If the punishing authority disagrees with any part or whole of the proceedings prepared by the enquiring officer the point or points of such disagreement, together with a brief statement of the grounds thereof, shall also be communicated to the charged government servant along with the copy of the proceedings.

(vii) After the charged government servant's explanation has been received under the preceding item, the punishing authority shall proceed to take a final decision in the case and pass orders accordingly. If the punishing authority is the Governor, the advice of the Public Service Commission shall have to be obtained before passing final orders.

NOTE—(1) The detailed procedure prescribed under rule 55 of the Civil Services (Classification, Control and Appeal) Rules does not apply where the person concerned absconded, or where it is for other reasons impracticable to communicate with him. All or any of the provisions of the rule may, for sufficient reasons to be recorded in writing, be waived, where there is difficulty in observing exactly the requirements of the rule and those requirements can, in the opinion of the enquiring officer, be waived without injustice to the person charged.

(2) Rule 55 shall also not apply where it is proposed to terminate the employment of a probationer whether during or at the end of the period of probation, or to dismiss, remove or reduce in rank, a temporary Government servant, for any specific fault or on account of his unsuitability for the service. In such cases, the probationer or temporary Government servant concerned shall be apprised of the grounds of such proposal, given an opportunity to show cause against the action to be taken against him, and his explanation in this behalf, if any, shall be duly considered before orders are passed by the competent authority.

(b) *Censure or stoppage at an efficiency bar.*—The imposition of the penalty of "censure" or "stoppage at an efficiency bar" does not require the framing of formal charges against the government servant concerned, or the calling of his explanation. These penalties can be imposed wherever the punishing authority is satisfied that good and sufficient reasons exist for adopting

such a course. Consultation with the Public Service Commission is not necessary even where the punishing authority is the Governor.

Old forms.

(c) *Withholding of increments in the time-scale and recoveries from pay.*—In all cases where a punishing authority imposes the penalty of (i) withholding of increment in the time-scale at stages where there is no efficiency bar, or (ii) recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders, formal proceedings embodying a statement of the offence or fault, the explanation of the person concerned and the reasons for the punishment, shall be recorded. When the punishing authority is the Governor, the Public Service Commission should be consulted before passing final orders.

NOTE.—It shall not be necessary to record such proceedings in cases where a Government servant's increment in the time-scale of his pay, at any stage other than at an efficiency bar, is stopped due to his integrity remaining uncertified.

118. When a Government servant is reinstated after suspension pending inquiry into his conduct but with forfeiture of part of his pay and allowances during the period of suspension, the authority which re-instates the Government servant should, in

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Declaration whether period of suspension counts for pension.

the order of re-instatement, expressly declare whether the period in question shall or shall not count for pension. In the absence of such a declaration the period of suspension cannot be subsequently treated as pensionable except with the express sanction of the head of department or Commissioner in each case. The consideration of this point, possibly many years after the matter has been settled presents obvious difficulties. It is also very desirable that a similar declaration should be made in cases of successful appeal against an order of dismissal, with reference to the provisions of Article 419 of the Civil Service Regulations. The absence of such a declaration often results in considerable correspondence which might have been avoided had the declaration been made at the time.

119. The dismissal of gazetted officers will be notified in the official *Gazette*. The dismissal of other Government servants will not be notified in the *Gazette* unless it is necessary to notify the public of the removal from service either because the

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Publication of dismissal in *Gazette*, report to Government.

appointment was previously gazetted or for any other special reason.

F—Supply of copies of documents pertaining to departmental inquiries.

120. The following instructions are given for general guidance in dealing with the supply of copies of documents relating to departmental inquiries :

Instructions regarding supply of copies.

(1) The full record of the departmental enquiry is in the possession of the authority which passes the order of punishment

G. O. no.
4135/IT—
339-40,
dated
October 23,
1940.

and through whom the appeal has to be submitted and the appellate authority has to examine the whole case before it passes orders on the appeal. It is, therefore, unnecessary for the appellant to file with his appeal any document except the order of punishment against which the appeal is made and which is supplied to him free of charge.

(2) The practice of obtaining copies of all papers in the file of departmental proceedings should be discouraged. If, however, a Government servant wants a copy of any document which can be allowed, he should pay for it. The general principle to be followed in such cases is that copies of confidential or other documents, the publication of which would be prejudicial to the administration, should not be supplied. Thus, for example, copies of notes and orders in office files (except of the formal orders of punishment) or of the Anti-Corruption Officer's report, if any, or the recommendations of the Public Service Commission in cases in which they are consulted, should not be supplied, but copies of the report of the authority which conducts the departmental inquiry, including the statement of the findings and the grounds thereof, or of the statements filed before the inquiring authority, or of the record of oral evidence, if any, may be supplied provided that the Government servant concerned pays the copying charges in advance.

(3) The copying charges to be levied are prescribed in some departmental manuals or orders. Where rates are not already prescribed, the rates for copying charges will be as follows :

(a) For a copy containing not more than 1,500 words—annas 8.

(b) For every 300 words in excess of 1,500 words—extra charge of annas 2.

(c) In calculating the above charges each statement, report, etc., should be taken as a separate document, and should be charged for separately.

(d) The rates for copies of documents in Hindi or Urdu will be the same as for documents in English.

(e) If a copy of a book, register, map or plan is to be prepared, a suitable charge should be fixed by the head of the office.

(4) Copying charges should be recovered in cash in advance and should be credited as receipts to the proper head of account. Copies should be made by the ordinary staff of the office concerned, without any additional remuneration, but if absolutely necessary, at times of pressure, extra copyists may be employed for the purpose on a temporary basis.

G—Civil and Criminal proceedings affecting Government servants

Old paras.

121. When in any suit or other judicial proceeding any person interested therein is described as, or is ascertained to be, a public servant the presiding officer should, after giving his decision, inform the chief executive officer in the district of the department to which such public servant belongs, of any circumstances in the case affecting personally the public servant mentioned.

Report regarding public servants interested in judicial proceedings.

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122. Every Government servant against whom civil or criminal proceedings are instituted otherwise than by Government, in respect of any act purporting to have been done in his official capacity, will be defended at the expense of the State when he desires to be so defended, provided that Government are satisfied that such a course is necessary. Further reference on this subject should be made to the Legal Remembrancer's Manual in regard to civil suits, and to Appendix 7 in the case of criminal proceedings.

Defence of judicial proceedings involving Government servants.

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H—Provision in respect of death or illness

123. (1) All officers of non-Indian domicile are warned of the desirability of placing on record among their private papers the names and addresses of relatives, solicitors or agents outside India to whom intimation should be given in the event of death.

213, 213A & 214.

Death of officers.

They should also report such addresses to the Chief Secretary and should correct such information from time to time as occasion may require.

(2) Reports regarding deaths of all gazetted officers should be sent to the Secretary to Government in the Administrative Department by telegram, followed by a confirmatory letter. The officer making the report should intimate the time and date of death and state what intimation, if any, has been sent to the deceased officers' relatives or agents.

124. Telegraphic report should be made to the Chief Secretary regarding any gazetted officers who are killed or severely wounded in the execution of their duty or who meet with sudden or violent death in any circumstances. A full report by letter should follow.

Report of violent death of gazetted officers.

215.

125. Paragraph 108 of the Uttar Pradesh Medical Manual lays down that cases of serious or dangerous illness or accidents occurring to holders of important posts like heads of departments or heads of offices should be reported at once both by letter and by telegram by the Civil Surgeon or medical officer in charge. The report should state the detailed

Report of serious illness or accident to senior officers.

G. O. no. A.326/II—1945, dated February 22, 1945. G. O. no. O-2980/II-B—217-48, dated December 15, 1949.

Old paras.

condition and treatment of such patients to the Civil Surgeon of the divisional headquarters (asking for his advice and assistance if required) and reports should also be made to the District Magistrate, the Director of Medical and Health Services, the Commissioner and the Head of Department to which the officer belongs. To enable Civil Surgeons to discharge this duty officers holding important posts should invariably report promptly to the Civil Surgeon of the district in which they are stationed if they are seriously ill or have any accident. This should be done irrespective of whether or not the officer is treated by the Civil Surgeon or by a private medical practitioner.

I—Transfer of charge

217

126. When a gazetted officer is under orders of transfer he should write direct to the District Magistrate or to other local superior officer concerned of the district to which he has been transferred and inform him as early as he can of the date on which he is likely to arrive.

When a non-gazetted officer has been transferred the District Magistrate or the local superior officer concerned of the district where he is serving should give similar information to the District Magistrate or other local superior officer of the district to which the officer has been posted.

These orders do not apply to the gazetted or non-gazetted officers of the Police Department.

216.

127. (1) When an officer is transferred, he must make over charge of his office within seven days from the date on which the order reaches him. If in any case it should be necessary for the transferred officer to await the arrival of a relieving officer, special instructions will be issued.

(2) If there are special circumstances why a transferred officer should wait, the District Officer must write to Government at once stating the reasons necessitating detention.

218--220

128. (1) Gazetted Officers should report direct to the Secretariat in the prescribed form the date of taking over or making over charge of any office, whether on the occasion of leave or transfer.

(2) A copy of the charge certificate (unaccompanied with any covering docket or letter) is to be forwarded on the day of transfer to—

- (a) the Accountant General,
- (b) the Treasury Officer concerned,
- (c) the Superintendent, Appointment (A) Department, Civil Secretariat, Lucknow,
- (d) the Registrar, High Court of Judicature, Allahabad,
- (e) the Commissioner or the Head of Department concerned.

} As the case may be.

G. O. no.
A-1306/II-A
—1953,
dated
August 11,
1953.

All officers must sign their names legibly; and in every case the name of the officer should be written in block letters or in type in addition to his signature.

(3) The District Officer or in his absence from headquarters, the senior assistant for him, should always sign the charge certificate of Indian Civil Administrative Cadre officers and deputy collectors on the district staff as relieved or relieving officer (as the case may be), when such an officer joins the district or is leaving it on transfer or leave other than casual leave, and does not actually relieve or make over charge of his duties to some other officer on the district staff.

J—Compliance with service rules

129. The Appointment Department in the Secretariat is the co-ordinating authority in respect of service matters and will continue to exercise the necessary check and see that service rules are being duly observed in respect of the State, Specialist and subordinate services and posts subject to the following exceptions :

- (a) ministerial services.
- (b) subordinate police enrolled under the Police Act,
- (c) ziladars, patrols and amius in the Irrigation Branch,
- (d) lekhpuls,
- (e) kanungos,
- (f) compounders, matrons and nurses in Government hospitals.

G. O. no.
A-523/II—
632-34,
dated
September
12, 1941.
G. O. no.
O-2374/II—
171-41,
dated
December
23, 1941.
O. M. No.
592/II—B—
25-1953.
dated
October 6,
1953.

Departments of the Secretariat will accordingly furnish to the Appointment Department by the 1st February each year a report in the form below showing appointments and promotions made to the State, Specialist and subordinate services and posts, subject to the exceptions noted above, under their administrative control in order that the Appointment Department may administer the necessary check over the service rules.

ANNUAL REPORT OF APPOINTMENTS MADE IN THE DEPARTMENT

Report for the year ending December 31, 19 .

- (1) Designation of service or post_____
- (2) Appointing authority_____
- (3) Cadre of service_____
- (4) Vacancies from January 1 to December 31_____
- (5) Number of appointments by—
 - (a) promotion from lower service, if any_____
 - (b) by competitive examination_____
 - (c) by selection_____

* (6) Distribution of vacancies filled by direct recruitment (i. e., appointment other than promotion) in the year under report in respect of—

- (a) Scheduled Castes_____
- (b) Others_____

Total

(7) Cases in which the rule regarding age, educational qualifications or domicile has been relaxed without the concurrence of the Appointment Department.

(8) Cases in which the allocation of vacancies has not been made in accordance with Government's general orders regarding reservation* and the reasons for such action.

(9) (i) Is the service or post within the purview of the Public Service Commission ?

(ii) If so, was the Public Service Commission consulted ? If the Public Service Commission was not consulted in cases in which it ought to have been consulted, reasons should be given.

Secretary to Government.

*NOTE—Please see paragraph 16 regarding reservation of posts for Scheduled Castes in the State.

K—Miscellaneous

Old paras.
221—230,
etc.

G. O. no.
2193/11—
428-44,
dated June
6, 1944 and
G. O. no.
1925/11—
428-44,
dated June
28, 1945.

130. Recess of officers in the hills is regulated by the orders of Government as issued from time to time.

Recess in the hills.

131. Every officer of Indian Civil Administrative Cadre and Indian Police Service shall in December each year submit a report to the Head of his Department or the Commissioner, as the case may be, stating whether he has had himself inoculated against enteric during the year and if not, when he was last inoculated. If an officer has failed to get himself so protected, it will be the duty of the Head of the Department or Commissioner to impress on him the desirability of doing so and any case of persistent refusal should be reported to Government. Commissioners should also impress on all State Service Officers the desirability of taking inoculation against enteric and when visiting a district on tour Commissioners should check whether inoculations have been taken but a report in respect of defaulters of the State Service need not be made to Government.

132. The tenure of the Inspector General of Police will be limited to five years. This term will include all periods in which an officer may act in the appointment and all periods of leave taken after he has been confirmed in it.

*Tenure of Inspector
General of Police.*

133. (1) The term "gazetted officer" is generally held to apply to an officer whose appointment is gazetted by the Government and not by the head of a department.

Gazetted officer.

The broad line of demarcation between gazetted and non-gazetted officers is that which separates the State from the subordinate service. All officers belonging to the State Service (including munsifs) should be held to be gazetted officers within the meaning of the Civil Service Regulations; members of the subordinate service should not come within that category, even if their appointments are published in the *Gazette*. Hence all appointments which it is decided to include in the State Service will, as a general rule, and except in special cases, be

198.

195.

gazetted by the Government, and the officers holding them will be held to be gazetted officers within the meaning of the Civil Service Regulations; while those in the subordinate service will, if gazetted at all, be gazetted by the head of department empowered to make the appointment; provided no appointment shall be so gazetted except under the general or special orders of Government.

(2) The case of officers serving in other departments, such as medical registration, police or jails, are governed by the same rule; that is to say, where Government make the appointment it will gazette, and only appointments so made will be recognised as gazetted appointments within the meaning of the Civil Service Regulations; in other cases heads of departments should gazette appointments of officers subordinate to them subject to any limits which Government may lay down.

(3) Notifications investing officers with powers under different Acts in order that the courts may take judicial cognizance thereof, do not confer the status of a gazetted officer.

134. Conditional resignations should ordinarily not be accepted such as when an official couples a request for leave, or for redress of some sort, with an offer to resign his appointment if the leave or redress asked for is not granted. Orders should be passed only in regard to the application for leave or redress. If the Government servant is dissatisfied with the orders passed, it is open to him to appeal to a higher authority or to tender an unconditional resignation. 378.

Conditional resignation combined with application for leave or redress.

135. Government servants are prohibited from sending personal communications regarding their leave, pay, transfer, leave allowances, fund subscriptions and analogous matters at the expense of the State. 232.

Prohibition of personal communications at public expense.

136. Officers of Indian Administrative Service employed in rural areas in Uttar Pradesh are granted during the first three years of their service a horse allowance of seventy-five rupees per mensem to cover the upkeep of a horse and pay of the syce. The allowance is subject to the officer maintaining a horse and touring in the prescribed manner at least for three months every year. The cost is debitable to the head "25—General Administration—B—District Administration—(a) General Establishments—3—Allowances and Honoraria". G. O. no. O-917/II B—1032-47, dated March 5, 1948.

Horse allowance to I.A.S. officers.

137. The uniform used by the Police should not be copied for subordinates in other departments, and such subordinates should not be allowed to wear *khaki* clothes with read *safas*. 379.

Uniform of subordinates not to resemble police uniforms.

G. O. no.
1422/II-B—
55-48,
dated April
14, 1948.

138. Entries specifying caste or sub-caste will not be made
Omission of caste en- in Government records except—
tries.

(1) for recording the particulars of members of the Scheduled
Castes in the preparation of—

(a) electoral rolls, or

(b) filling up papers for recruitment to Government ser-
vice, and

(2) where there is a specific statutory direction requiring the
entry to be made.

III—GENERAL ADMINISTRATION DEPARTMENT

Chapter X—Matters affecting the State

A—Changes in names

139. Under the U. P. (Alteration of Name) Order, 1950, the name of the State was changed to "Uttar Pradesh." The Government of India's notification publishing this Order has been republished in the *Uttar Pradesh Gazette (Extraordinary)*, dated January 24, 1950.

G. O. no.
993/III—
10(12)-
47, dated
February 6,
1950.

140. The name of the following places and rivers should be spelt according to the reformed spellings here given :
Spellings of names of places and rivers.
Ayodhya, Banaras, Vrindaban, Vindhya-
chal, Varuna, Kanpur, Devaprayag, Faizabad,
Ganga, Govardhan, Gomati, Ghaghra, Yamuna, Kannauj, Mathura,
Naimisharanya, Avadh, Pratapgarh, Rishikesh and Unnao.

G. O. no.
5103/
III—503
(11)-46,
dated
November 4,
1947.

B—National Emblems

141. (1) The Flag is the emblem of the Nation. It is essential that it should not be brought into disrepute by unregulated use. The following rules have, therefore, been prescribed for the display of the National Flag of India :

G. O. no.
3944/III—
534(2)-
47, dated
June 12,
1950.

I—Display of the Flag on Buildings—(a) Normally the Flag should be flown only on important Government buildings, such as the State Legislative buildings, the High Court, the Secretariat, Jails, Reserve Police Lines, Offices of the Commissioners and Heads of Departments, Courts of District and Sessions Judges, Collectorates, Offices of the District Boards, Improvement Trusts, Municipalities and the Development Board, Kanpur, as also on Universities established by law and Government Higher Secondary Schools.

(b) The Flag should also be flown on permanent residences at the Headquarters of—

(i) Ruling Princes. They may use the Flag together with their own flags, if they so desire.

(ii) Heads of Indian Missions in foreign countries. They may also fly the Flag on their offices where these are separate from their residences.

(ii) Ministers of Union and States.

(iv) Ministers of State of the Central Government.

(v) Chairmen of Upper Chambers, where these exist.

(vi) Speakers of the Parliament of India and State Legislative Assemblies.

(vii) Chief Commissioners.

(viii) Regional Commissioners in Part "B" States.

(ix) Commissioners of Divisions, Deputy Commissioners and Collectors of Districts.

(c) In Frontier areas, the Flag may be flown at special places.

(d) (i) The President has a special flag of his own and will continue to fly the same.

(ii) The Governors and Rajpramukhs have their own special flags and will continue to fly them within their States. When outside their States, they may fly the National Flag either at their own or other private residences, wherever they may stay.

(iii) Lieutenant Governors of Vindhya Pradesh and Himachal Pradesh will fly their own special flags within their States.

(e) (i) If the President or the Prime Minister while visiting a State stays with the Governor or Rajpramukh in Government House, the President's Flag or the National Flag of India, as the case may be, should also be flown on the top of the main building or on the top of the wing where the President or the Prime Minister happens to reside, or in a conspicuous part of the fore-court or the main approach.

(ii) If the Governor or the Rajpramukh stays in a Circuit House within his State and the President or the Prime Minister also stays in the same House as his guest, the same practice as in the preceding sub-rule should be followed.

(iii) If the President or the Prime Minister proceeds to a State town where the Governor or the Rajpramukh is not present, the President's Flag or the National Flag of India, as the case may be, should be conspicuously displayed on a flagstaff or an improvised pole on the top of the house.

11—Display of the Flag on Cars—(a) The privilege of using the Flag on motor cars will be limited to—

- | | |
|--|--|
| (i) Governors and Rajpramukhs when outside their State. | |
| (ii) Ruling Princes who may also use the Flag together with their own flags if they so desire. | |
| (iii) Heads of Indian Missions in foreign countries. | |
| (iv) Ministers of Union and States. | |
| (v) Ministers of State, and Deputy Ministers of the Union and State Governments. | } Wherever they may be, whether in their own State or when visiting another State. |
| (vi) Chairmen of Upper Chambers where these exist. | |
| (vii) Speakers of the Parliament of India and State Legislative Assemblies. | |
| (viii) Chief Commissioners. | |
| (ix) Regional Commissioners in Part " B " States. | |
| (x) Deputy Chairman of the Council of States and the Deputy Speaker of the House of People whether at Headquarters or when visiting another State. | |

[III—General Administration Department]

MATTERS AFFECTING THE STATE

(b) (i) The Flag should be furled or removed immediately when a Minister leaves his car and should not be flown except when he himself is seated or travelling in it.

G. O. no.
2182/III—
514(2)-52,
dated April
17, 1953.

(ii) Flags on the cars of Ministers are mainly intended for the information of the public and the police so that the Minister's car may not be held up in traffic. There is, therefore, no objection to the Flag being displayed when a Minister is seated in the car even after sunset.

III—General—(i) On special occasions like the Independence Day Celebrations—15th August, Mahatma Gandhi's Birthday, January 26, and National Week, as well as on any other particular day of national rejoicing, the use of the Flag will be unrestricted.

(ii) The use of the Flag by the Army, Navy and the Air Force will be governed by special rules made for the purpose.

(iii) The Flag should not be flown by persons other than those mentioned in these rules except as provided in (i) above.

(2) The old custom was that the Flag was flown only in day time. There is no objection to the old practice being followed, but it is desirable that the Flag may be taken down carefully in the evening and re-hoisted at dawn. It is also desirable that the Flag should be properly preserved. It should always look fresh and neat and when the weather does not permit its being flown on account of wind or rain, it should be temporarily taken down and then re-hoisted.

G. O. no.
4243/III—
534 (2)-47,
dated July
30, 1948.

(3) The Government of India have pointed out that it is not customary for river craft and launches to fly the National Flag. The correct procedure is to fly at the stern of the vessel the Blue Ensign suitably defaced, provided such a vessel is owned by a Government department. The flying of the National Flag in the bows of vessels is restricted to sea-going vessels when at anchor or secured to a Buoy. They do not fly them at sea except on certain ceremonial occasions when ships are dressed in honour of some National Day or when carrying a Head of State.

G. O. no.
162/III—
514-54,
dated April
7, 1954.

(4) The Government of India have further pointed out that it is not customary for Ministers, Deputy Ministers or other important personages other than Governors and certain Military authorities (which include the Air Force and Navy) to fly flags when they are afloat. The flying of flags on cars cannot be taken as a parallel for the flying of flags on vessels.

NOTES—(1) It should be suggested to cinema houses that the National Flag be shown on the screen after each performance.

G. O. no.
3923/III—
157-48,
dated July
13, 1948.

(2) It would be inappropriate for the Flag to be flown half-mast on the occasion of the death anniversary of Mahatma Gandhi on January 30. Mahatma Gandhi's birthday is already declared as a public holiday in accordance with the time-honoured practice of paying homage to the Father of the Nation; there need be no official recognition of the death anniversary.

142. (1) The National Anthem "Jana Gana Mana" should only be played on special occasions and not made to appear too common. There shall only be two versions of the National Anthem, viz., the full

National Anthem.

G. O. no.
516/III—
521-51, dated
January
22, 1951.

version (playing time approximately fifty-two seconds) and the short version of nine bars (playing time approximately twenty seconds). These are to be adopted and played on the following occasions :

G. O. no.
8984/III—
157-48,
dated Jan-
uary 5,
1954.

(a) *Full Version*—

(i) on all occasions when the President is present in person (including broadcasts by the President on National Days) ;

(ii) on all occasions for Governors and Rajpramukhs when they attend ceremonial parades within their State ; and

(iii) at Republic and Independence Day Parades when the National Flag is broken.

(b) *Short Version*

On all other occasions (these will mostly be military functions).

Authentic copies of “Full” and “Short” versions of the National Anthem are given below :

Full Version

Jana gāṇa mana adhināyaka jaya he Bhārata bhāgya vidhātā,
Pañjāb Sindhū Gujarāta Marāthā Drāvīṇa Utkala Bāṅgā,
Viṇdhya Himāchala Jamunā Gaṅgā Uchchhala jaladhi tarāṅgā,
Tava shubha nāmo jāge tava shubha āsisha māṅge,
Gāe tava jaya gāthā.
Jana gāṇa maṅgala—dāyaka jaya he Bhārata bhāgya—vidhātā,
Jaya he jaya he jaya he jaya jaya jaya jaya he.

Short Version

Jana-gana-mana-adhinayaka, jaya he Bharata—bhagya vidhata.
Jaya he, jaya he, jaya he, jaya jaya jaya, jaya he.

When it is played, respect will be shown by standing without moving about.

(2) The Government of India have decided that since the song “Vande Matram” is honoured equally with the National Anthem, it is desirable that the audience should stand up whenever the song “Vande Matram” is sung.

143. The State Government have decided to continue to use their existing Coat of Arms reproduced below :

State Coat of Arms.



It will be used on the official *Gazette* and other official publications and on Government stationery.

G. O. no.
4959/III
—157-48,
dated
August
5, 1950.

Government
notification
no. 6083/
XVIII—38,
dated Nov-
ember 23,
1938 and
G. E. no.
7174/III—
54-48, dated
December
14, 1949.

144. Instances have come to notice in which the name or representation of Mahatma Gandhi has been used in trade marks and for other business purposes. While it would be possible to take action under the Emblems and Names (Prevention of Improper Use) Act, 1950, to stop such practice, Government consider that legal measures should not be necessary where the Father of the Nation is concerned and that public opinion and good sense should be sufficient to prevent the exploitation of his name. Whenever such instances come to notice the attention of the persons responsible should be drawn to the desirability of discontinuing the practice. In the event of any person persisting in any such practice the matter should be reported to Government in order that action may be taken.

G. O. no.
5708/III—
512-51,
dated
September
12, 1951.

Improper use of name
and representation of
Mahatma Gandhi.

C—Use of other flags and anthems

145. (1) No flag other than the National Flag will be flown from, or in the compound of, any Government building including Government educational institutions.

(2) So far as private educational institutions are concerned no flag will be permitted to be hoisted except with the consent of the management.

(3) It is the duty of educational and district authorities to enforce these instructions strictly and any one disobeying will suffer the consequences.

(4) No condonation of shortage of percentage of attendance or any other concessions will be granted to students who may suffer from loss of percentage or similar disabilities for infringement of these instructions.

(5) The accredited diplomatic and consular representatives of foreign countries in India are entitled to fly the flag of their respective countries in accordance with international practice. The flag is the emblem of a nation and unregulated use of a national flag is not in keeping with the dignity of the flag.

It is, however, permissible for the nationals of a country to fly their flags on special occasions, e.g., on the occasion of the observance of the National Day of their country. Even on such occasions international practice would require that the Indian National Flag should be flown along with the foreign flag.

NOTE—The Governor of any State or any official of the Central or State Government will be transgressing normal propriety in unfurling formally the flag of any other independent country on ceremonial occasions commemorating the National Day of such country.

146. (1) In view of India's membership of the United Nations Organisation and of international practice, the United Nations Flag will be displayed along with the National Flag of India on all important Government buildings on United Nations Day which is on the 24th October. Care will, however, be taken to

G. E. no.
U. O. 928/
III—1947,
dated Jan-
uary 11,
1947.
G. O. no.
3512/III—
514-1952,
dated July
11, 1952.
G. O. no.
1263/III—
514-1952,
dated April
16, 1952.

Flying of flags on United
Nations Day.

G. O. no.
7887/III—
514, (1)-51,
dated
December
13, 1951.

G. E. no.
4432/III—
514(1)-51,
dated Sep-
tember 6,
1952.
G. E. no.
5624/III—
514(1)-51,
dated
October 15,
1952.

ensure that the National Flag is not out-classed by the United Nations Flag in any respect and is always flown to the right of an observer, if one could be placed at the foot of both standards. The Flags should be displayed from two separate standards according to the United Nations Flag Code; the United Nations Flag can be displayed on either side of any other flag without being deemed to be subordinate to any such flag. It is, however, desirable that the National Flag of India be displayed on the extreme right with reference to the direction with which it is facing (i.e., extreme left of an observer viewing them facing the mast flying the flags).

(2) When flown as above the flags should be displayed on all Government buildings on which the National Flag of India is to be flown in accordance with the instructions in paragraph 141 above. Extraneous flags (including the United Nations Flag) should not be flown at the mast head of the Raj Bhavan.

G. O. no.
8838/III—
222-51,
dated
January 21,
1952.

147. The national anthems of foreign countries will be played
Playing of foreign on the following occasions :
national anthems.

(a) On the formal arrival in India, and the departure from India, of the Head of a Foreign State.

(b) On the arrival at and departure from any social function that may be officially arranged in honour of the Head of a Foreign State whilst in India.

(c) The same honour as at (a) and (b) above will also be extended to members of the royal family of a Foreign State. When occasion arises, detailed instructions in the matter will be issued by Government well in advance and at that time a copy of the music score applicable will be supplied.

D—Language

G. O. no.
4686/III—
170-47,
dated Octo-
ber 8, 1947.
G. O. no.
3999-A/III—
170-47, dated
December
18, 1948
and G. E.
no. O-1999.
II-B-77.
49, dated
July 1, 1949.

148. Hindi written in the Devanagari script is the official language
Official language. of the State and Hindi shall be understood to mean the language of the people of Uttar Pradesh written in that script. The form of Hindi used in all Government papers, statements and correspondence should be simple and capable of being generally understood. In examinations for recruitment to Government services and in departmental examinations a candidate should not lose marks so long as language written in the Devanagari script follows the rules of grammar correctly and the words used are not altogether unintelligible and provided, of course, that the answers so written are otherwise correct.

G. O. no. O.
2398/II-B—
93-49, dated
September
1, 1949.

149. All officials who are posted to the Jaunsar-Bawar pargana
Officials to acquire know- of the Dehra Dun district or to the area south ledge of local dialect in Jaunsar-Bawar and in area south of Kaimur Range. of the Kaimur Range in the Mirzapur district should obtain a working knowledge of the local dialect quickly after their posting.

Chapter XI—Visits by Ministers and Foreign Dignitaries

A—Procedure regarding visits by Ministers of Uttar Pradesh within the State

150. The following instructions regarding courtesies and etiquette to be observed on the occasion of visits by Ministers of the State are reproduced below for the guidance of all officers :

G. O. no.
3169/111—
100-48,
dated May
10, 1949
and G. O.
no. 8636/111
—100-48,
dated
January 2,
1954.

(1) Ministers should be shown the utmost courtesy and respect when visiting district headquarters and out-lying towns. This will comprise :

Courtesy to Ministers.

(a) reception at the end of the journey ;

(b) calling on the Ministers ; and

(c) seeing off.

Apart from etiquette, these occasions afford an opportunity to Ministers to know personally the chief executive officers of Government and through them to get first-hand information of the trends of administration and the effects of Government policies. The officers, on their part, can place their own points of view and sometimes the difficulties they experience, before Ministers and get valuable advice on matters of general policy which they may not otherwise be able to obtain. Such contacts add to the efficiency of administration.

(2) In keeping with the general purpose underlying these instructions, the officers concerned are expected to act with initiative and to take action in accordance with the spirit of the instructions even if some other official has failed to fulfil

Officers to act in accordance with the spirit of instructions.

any obligations laid on him. Care should, however, be taken not to overdo things as that may cause embarrassment to the Ministers.

(3) The visits of Ministers will be classed as—

Classification of visits.

(a) formal ;

(b) informal ; and

(c) private.

In formal visits the arrangements for reception, etc. will be of a formal and detailed character while in informal visits the formalities will be brief and simple. Private visits will, of course, need no formalities.

(4) (a) When giving notice of the visit of a Minister, the Personal Assistant shall invariably indicate the class of visit as “Formal”, “Informal” or “Private”, so that local officers may not remain in doubt about their duties.

Notice of visit.

(b) The Personal Assistant to the Minister shall be responsible for issuing intimation of all visits. The intimation shall mention—

- (i) the time of arrival and means of arrival, viz., by aeroplane, train or car, etc. ;
- (ii) the place of stay ;
- (iii) the details of programme, if any, during the visit ; and
- (iv) the time of departure and means of travel.

(c) The notice of the visit shall be given well in advance of the date of arrival. Five days' notice will ordinarily be considered reasonable; only in emergent visits may this period be reduced. It shall be followed invariably in the case of "formal" visits. If timely notice is not given it may be difficult for local officers to observe these instructions and in that event Ministers will no doubt overlook any resulting lack of formalities.

(5) (a) In the case of formal visits notice of visit shall be sent by the Personal Assistant to the following officers :

Officers to receive
notice.

- (i) Commissioner of the division ;
- (ii) District Officers ;
- (iii) Superintendent of Police ;
- (iv) Local Heads of Offices coming within the portfolio of Minister ;

(v) Range or Circle Officers (within whose jurisdiction the place to be visited falls) of all departments in the case of the Chief Minister and of departments comprised in the portfolio of the Minister in the case of other Ministers ;

(vi) Local Heads of all Offices in the case of Chief Minister ; and

(vii) Senior most officers of the Central Government departments stationed at the place of visit.

The Personal Assistant will send copies direct to the authorities mentioned at (i), (ii), (iii), and (iv) and necessary spare copies marked for those at (v), (vi) and (vii) to the District Officer who will arrange for their distribution.

(b) In the case of informal visits notices shall be sent to the officials mentioned against (ii), (iii) and (iv) only in the same manner as for formal visits.

(c) In the case of private visits notices shall be sent to the officials mentioned at (ii) and (iii) only.

(d) State Government Officers mentioned above will inform gazetted officers immediately subordinate to them of the proposed visit.

(6)(a) On the occasion of formal visits, Ministers, travelling by train or aeroplane, shall be met at the railway station or aerodrome, as the case may be, by the District Officer and the Superintendent of Police :

Provided that in the case of Ministers other than Chief Minister, the Minister may be met by the Additional District Officer (instead of the District Officer) and the Assistant Superintendent of Police (instead of the Superintendent of Police), if one is posted in the district.

If the place visited is the headquarters of the Head of a department or of a division, the Head of the department or the Commissioner, as the case may be, shall also be present. The range or circle officers, in the case of visits to the headquarters of the range or circle, shall also be present in the case of Chief Minister ; in the case of other Ministers such officers belonging to the departments under the Minister's portfolio only should be present.

In the case of places other than those mentioned above, the highest representative in the district of the department under the charge of the Minister concerned, shall also be present.

In the case of outlying towns the highest revenue and police officers available shall invariably be present and also the District Officer or the Additional District Officer and the Superintendent of Police or the Assistant Superintendent of Police, as the case may be, unless otherwise directed.

(b) In cases in which the Ministers travel by car, the journey may end at the Circuit House, the Inspection Bungalow or other place of stay. The officials concerned need not be present at these places at the time of arrival unless specially requested to do so in the notice of visit received from the Personal Assistant. Their presence has been dispensed with in such cases on the ground of uncertainty in the time of arrival.

(7) On the occasion of informal visits, only the District Officer and/or the Superintendent of Police need be present at the railway station or the aerodrome if the visit is to the headquarters of the district. In districts in which there is an Additional District Officer or Assistant Superintendent of Police, these officers may be present instead of the District Officer and the Superintendent of Police. In the absence of the District Officer, the Additional District Officer, the Superintendent of Police, the Assistant Superintendent of Police, as the case may be, on official business, the District Officer or the Superintendent of Police can be represented by the next senior officer of the magistracy and/or the police, as the case may be.

In the case of outlying towns, the highest revenue and police officers available shall invariably be present, and also the District Officer (or the Additional District Officer, if there be one) and/or the Superintendent of Police (or the Assistant Superintendent of Police, if there be one), unless otherwise directed.

(8)(a) On the occasion of formal visits all Heads of Department and Heads of Offices stationed at the place of visit shall call upon the Minister. Officers holding distinctive posts (e.g., a City Magistrate) and senior officers not falling in the above categories shall also make a call. In the case of other gazetted officers, while it is not obligatory for them to make a call, it would be advantageous if they could make it convenient to pay a courtesy call, if the Minister's stay is to be for several days.

(b) According to the existing instructions of the Government of India, the most senior gazetted officer of each Central Government Department stationed at the place of visit is required to call upon the Ministers when he makes a formal visit. Information of the intended visit will be issued by the Personal Assistant, but will be distributed to these officers by the District Officer.

Similarly the most senior officers of each Central Government Department stationed at the State headquarters are required, under instructions from the Government of India, to call on Ministers. These calls are to be renewed when a new officer takes charge or when there is a change of Ministry.

(c) When a Minister spends only a few hours at a station it will not be necessary for any officer to see him unless requested to do so.

(d) A visitors' book shall be maintained by the Minister's personal staff in which all callers will record their names. If at the time of the call the Minister is not present or is unable to meet the caller, the latter will also leave his card. At the same time, the personal staff will inform him whether he is required to come a second time for actual interview and if so, the date and time.

The hours for making the call shall be fixed as far as possible and the personal staff shall inform all concerned accordingly. The District Officer, the Superintendent of Police, the Commissioner and the Range Deputy Inspector General of Police as well as the highest official or officials of the department or departments in charge of the Minister should invariably be informed by the personal staff of the time of personal interview in advance so as to avoid inconvenience arising from uncertainty about the time of interview.

(9) In the case of informal visits the District Officer and/or Superintendent of Police and the most senior officer or officers of the department or departments under the Minister will make a call. If, however, the Minister wishes to meet any other officer intimation will be given to him by the personal staff of the Minister at the time of the issue of notice of visit, or, if that be not possible, intimation will be given as soon as possible after reaching the destination.

(10) In the case of departure by rail, the Minister will be seen off at the railway station by the same set of officers who were present at the time of his arrival.

151. The instructions in the foregoing paragraph do not preclude Attendance of other officials. any official from meeting the Minister if that is necessary in connection with his duties, nor do they preclude them from being present at the reception or departure of the Minister if the latter so wishes.

152. Officers of the classes mentioned in sub-para. (8)(a) of paragraph 150 who, when they visit Lucknow, or during the recess of Government, Naini Tal, either on official duty or leave, should call upon the Chief Minister and upon the Minister in charge of their departments. If time permits them to do so, their calls upon other Ministers also will be appreciated.

153. The personal staff of the Minister will take particular care Facilities for calling officers. to see that officers coming to call upon the Minister are afforded the necessary convenience in the matter of seating, interview, etc., and that they are not kept waiting longer than is absolutely necessary.

154. In the case of formal visits the designated officials will, as far as possible, be personally present at reception and departure. In informal and private visits, however, if the designated officials are unable to be present in person, they should see that arrangements are made for a senior officer under them to be present on those occasions.

155. (1) In the case of emergent visits it is possible that some of the Presence of officials at emergent visits. officers whose presence is required under these instructions at the place visited may be on tour. In such cases they need not cancel their tour unless it can be done conveniently and without unreasonable expense.

(2) When an unexpected visit is paid, the personal staff will issue telegrams if the Minister wishes to meet the district and/or other officials.

156. The instructions about reception—
Exceptions.

(a) will not apply to return journeys to the headquarters of the State or journeys to Naini Tal or other hill stations for recess;

(b) do not cover other local arrangements to be made in connection with a Minister's visit;

(c) should not in any way be construed as interfering with the privilege of non-officials to be present at the reception of a Minister or to call upon him, except in so far as it may be necessary to do so from the point of view of security.

157. These instructions are subject to any modification which a Minister may direct in the case of any particular visit. Timely intimation of such modification will be given by the Personal Assistant to the officers concerned.

158. Protection arrangements needed in connection with the visits of Ministers are regulated by separate confidential orders issued by Government in the Home (Police) Department.

B—Courtesies on occasion of visits by Deputy Ministers and Parliamentary Secretaries of Uttar Pradesh to districts within the State.

159. These instructions apply to visits both of Deputy Ministers and Parliamentary Secretaries but for the sake of brevity the expression "Deputy Minister" only has been used.

G. O. no.
5483/III—
117-52, dated
September
20, 1952.

(1) *Reception*—(a) In the case of formal visits, Deputy Ministers travelling by train or aeroplane shall be met at the railway station or aerodrome, as the case may be, by a Sub-Divisional Officer and a Deputy Superintendent of Police who may be deputed for the purpose by the District Officer or the Superintendent of Police, as the case may be. In case the place visited is the headquarters of the Head of a Department, the Head of the Department or an officer deputed by him shall also be present, if the Deputy Minister is connected with that Department. The Deputy Minister will arrange for timely intimation of the impending visit being sent to the officers concerned.

(b) In the case of outlying towns the highest Revenue and Police Officers available shall be present.

(c) If the Deputy Minister has travelled by car no officer need be present at the time of arrival at the place where the Deputy Minister would stay.

(2) *Calling*—(a) Officers of the Department or Departments connected with the Deputy Minister shall make a call on him. The District Officer, the Superintendent of Police and other officers of the State Government shall, if so desired, also see the Deputy Minister :

Provided that if the stay of the Deputy Minister is only of a few hours' duration it will not be necessary for any officer to see him unless asked to do so.

(b) If at the time of the call, the Deputy Minister is not present or is unable to meet the caller, the latter will leave his card. In case the Deputy Minister wishes him to come a second time, he will arrange to inform him of the date and hour at which the second call should be made.

(c) The hours of making the call shall, as far as possible, be fixed and the personal staff accompanying the Deputy Minister shall inform all concerned about them, so that the officers concerned may be saved from the inconvenience arising from the uncertainty of the time of personal interview.

(3) It shall not be necessary for any official to see off the Deputy Minister at the time of his departure.

(4) No formalities need be observed in the case of informal or private visits.

C—Courtesies on occasion of visits by Ministers of other States

160. (1) On the occasion of an official visit by a Minister of another State, the District Magistrate and the Superintendent of Police should receive the Minister at the railway station or at the aerodrome on arrival. The District Magistrate should arrange for the Minister's accommodation in the Circuit House when accommodation is available, or other suitable accommodation if the Minister has not already made his own arrangements.

G. O. no. 6455-I/III—8(3)-47, dated January 20, 1948, and G.O. no. 310/IV—1939, dated November 28, 1939.

(2) No action on the part of district authorities is required when the visit is private or informal.

(3) Confidential instruction about Police arrangements have been issued separately by Government in the Home (Police) Department.

D—Procedure regarding visits of Ministers of the Government of India

161. The following procedure and courtesies will be observed on the occasion of visits by Ministers of the Government of India :

G. I. letter no. 18/17/51-Public, dated August 20, 1951.

(1) (a) Private Secretaries to Ministers (who ordinarily issue tour programmes of Ministers) will see that the State Government or other authorities concerned are informed at least a week in advance of the intended visit of the Minister. Where this is not practicable owing to a Minister having to proceed on a tour, at short notice, information may be sent by telegram of appropriate priority or at least by *Express Delivery Post* and not by ordinary post.

(b) When the period of notice is sufficiently long (i.e., one week) cyclostyled copies of the tour programme will be sent.

(c) Copies of the tour programme will be furnished to every officer who is, or might be, concerned with the provision of security arrangements as well as courtesy arrangements. It is, however, open to a Minister to name any other officials or non-officials whom he wishes to meet in the course of a particular tour.

(d) In case any amendments are made to the tour programme after it is first issued, the same will be intimated to the authorities concerned *immediately*.

(e) Full particulars will be given in the tour programme regarding—

(i) method of transport ;

(ii) date and timings of arrival and departure ;

VISITS BY MINISTERS AND FOREIGN DIGNITARIES

(iii) places of residence on tour ;

(iv) whether the visit is public or private; and

(v) any other special arrangement to be made.

(Information in respect of part (v) is particularly necessary in the case of private visits and halts in transit.)

(2) (a) Cabinet Ministers and Ministers of State will be shown

Courtesies. such courtesies by State Governments as are afforded to State Ministers, e.g., on visits to the headquarters of a district, the senior official present in the station at the time will meet the Minister on arrival and see him off at the time of departure.

(b) Arrangements for the Deputy Ministers need not be so elaborate as in the case of Ministers of Cabinet rank and Ministers of State. For instance while the District Officer should receive the Deputy Minister on arrival and also see him off if the officer is at headquarters or very near, there is no need for him to return from tour specially to do so.

(c) Except in case of the Prime Minister it is not necessary for the State Government to make arrangements to receive or see off any Minister of the Government of India if he arrives or departs by night air service. It is also not necessary for any civilian officer of the State Government to meet a Minister of the Government of India, as a matter of courtesy, if the latter is in transit whether by day or by night. If, however, a Minister wishes to be met by an officer of the State Government when he travels by the night air service or in transit or desires any facilities to be provided, such as transport, arrangements will be made accordingly, if it is specifically indicated in the tour programme.

(3) (a) No uniform scale of police protection for the Ministers on tour is prescribed, as the conditions vary considerably in different States. However, the scale would not be less than that accorded to State Ministers. The responsibility for deciding the actual degree of protection necessary, over and above the minimum scale, rests with the State Government.

(b) Police guards will not be provided where Ministers are paying only personal visits, unless specifically desired or indicated in the tour programme.

(c) The State Government concerned will be fully associated in drawing up the programme of formal functions to be attended by a Minister during his visit, even if any function is arranged in a State directly by a Ministry or its subordinate agency (including the Military authorities).

- (4) It is desirable that a Minister on a private visit should be received on his arrival at the airport or at the Railway Station, etc., by the highest civil official stationed there, it being left to the

Private visits

Members of Government and the Ministers whether they will go to receive him or not. Generally, as a matter of courtesy, they would themselves go, provided the visit is to the headquarters of the State. However, it has never been the intention of the Government of India, that if a Minister goes on a private visit to his own home town, a member of State Government should go there particularly to receive him.

G. E. no.
7126(2)/III-
8 (23)-48.
dated
September
28, 1953.

E.—Visits of Foreign and Commonwealth diplomats

162. (1) State Guest hospitality need not normally be extended to Heads of Missions stationed in India, who may have occasion to visit the State. The State Government may, however, on the first official visit to the State by such Head of a Mission, extend to him State Guest hospitality.

Government
of India.
letter no.
D-2058-Pt. I.
52, dated
April 25,
1952.

(2) Diplomatsists, in general, and who are stationed in India need not be extended State Guest hospitality, when visiting the State. All other courtesies, facilities and assistance, not involving expenditure, may, however, be extended to diplomatsists.

(3) The cost of boarding and transportation charges of visiting diplomatsists who may, owing to shortage of other suitable accommodation, need to be accommodated in the Circuit Houses, etc., is recoverable from them.

(4) In special cases where the Government of India wish, for some particular reason, to depart from the policy detailed above, suitable instructions will be sent to the State authorities.

(5) Instructions in respect of distinguished foreign visitors to the State, who are to be treated as Government guests, are invariably sent to all concerned in advance. Other important foreign visitors from abroad need not necessarily be extended State Guest hospitality

Chapter XII— State ceremonial functions

G. O. no.
8567/III—
505-49,
dated
December
21, 1949,
and
G. O. no.
2893/III—
9 (1)-51,
dated April
17, 1951.

163. State ceremonial functions reflect the dignity and efficiency of the State. It is, therefore, of the utmost importance that such functions should be organised with due solemnity, dignity and decorum so as to create reverence towards the State and inspire confidence. It should also be remembered that functions organised on behalf of the State should be set in an impersonal atmosphere.

164. The following instructions are necessarily of an advisory nature and are not intended to be too meticulously followed in every detail and without regard to the special requirements of a particular function and may be varied suitably as occasion may require. They are not exhaustive and the organising officer may have to supplement them when necessary according to the occasion.

165. These instructions do not apply to functions at Raj Bhawan which are regulated by separate forms and practices. They also do not apply to functions of purely departmental significance though the general principles laid down here will also be found useful in organising those functions.

166. (1) A detailed programme should be carefully drawn up in sufficient time before the function. An ill-considered programme mars the proceedings: one too lengthy, however interesting, sometime becomes tedious while on the other hand the time allowed should not be such as to crowd items together. A good programme requires forethought and what is needed is that proportion and balance should be maintained throughout the function.

(2) Programmes should preferably be printed and distributed before the commencement of the function unless the full programme has already issued with the invitation. Distribution may be made either by placing copies on the chairs or in such other manner as may be convenient, e. g., handing a copy to each visitor on arrival. In any case, distribution should be made in an orderly and quiet manner. Copies of addresses, speeches, etc., which are to be read at the function may, however, be distributed immediately before they are to be read.

(3) The function should start punctually as also the various items on the programme. The tendency to disregard the importance of punctuality and the value of time must be checked.

167. (1) Invitations in proper style should be issued to both non-officials and officials. With Hindi having become the State language invitations should be in Hindi written in the Devanagiri script.

The number of non-officials and officials to be invited will depend on the importance of the function.

(2) The following classes of non-officials should be invited :

(i) Members of Parliament and the State Legislature resident in the district.

(ii) Members, particularly office bearers, of local bodies.

(iii) President of the Bar Association.

(iv) Persons who have rendered conspicuous service to the State. Amongst these will be included important persons who have suffered for the political emancipation of the country.

(v) Persons distinguished for public spirit evinced by construction of works of general utility and convenience.

(vi) Persons distinguished for learning, scientific research or professional attainments.

(vii) Ex-Ministers, Ex-Deputy Ministers, Ex-Speakers, Ex-Chairmen or Ex-Presidents of the State Legislature and Ex-Parliamentary Secretaries.

(viii) Retired Judges of the High Court and other retired officials of importance.

(ix) Representatives of trade, commerce, industry and labour.

(x) Other gentlemen of local influence not falling under any of the above categories.

In addition to the above, suitable ex-servicemen and in particular those who have received military awards, medals, crosses, etc., or who have otherwise distinguished themselves by gallantry or conspicuous heroism may also be invited.

G. O. no.
5895/III—
171-49,
dated May
4, 1950.

District Officers will arrange for the maintenance of lists of persons falling under categories (iv) to (x), and also of suitable ex-servicemen. These lists will be revised periodically so that they may remain up-to-date.

(3) All high officials and gazetted officers should be invited. Honorary officials will be included in this category.

168. No particular form of dress is prescribed but it is expected that invitees will conform to one or the other

Dress.

of the recognised patterns of dress. The organisers of the functions may, with advantage, carry distinctive badges, particularly the volunteers.

NOTE—Officers on all ceremonial or formal occasions may wear either a black sherwani and chooridar pyjama or some kind of black coat buttoned up to the neck and black or white trousers; during summer officers may wear a white or cream sherwani or a white or cream buttoned up coat instead of a black sherwani or black buttoned up coat.

Government
of India
office
memo. no.
F-17/1/48-
Public,
dated April
9, 1949.

169. (1) Proper seating arrangements are important in ceremonial functions. Apart from affording convenience to those invited and others present they give both dignity and orderliness. A seating plan should, therefore, be carefully drawn up.

Seating arrangements. (2) Mixed seating arrangements, that is seating on chairs as well as on floor, have been usually found inconvenient and undignified. Provisions of chairs is generally the most convenient method in making seating arrangements, but on occasions it may be found necessary to provide accommodation on the floor in addition to chairs, or exclusively on the floor.

(3) Sufficient space should be provided for non-officials, but this space should, as far as possible, run parallel to the space provided for officials and not behind it. Special care should be taken to see that non-official gentlemen are not relegated to secondary positions in the gathering. Similarly seats for ladies should be arranged with special care.

(4) The Warrant of Precedence is given in section V of the U. P. Civil List, Part II and the order of precedence there given should be followed in making arrangements. Members of Parliament are elected representatives to a sovereign body and are placed in Article 26 of the Warrant of Precedence. When invited *en bloc* to major State functions, the enclosure reserved for them should be next to Ambassadors, Chief Justice of India, Speaker of Parliament and Governors, etc., as provided in foot-note 4 of the Warrant. Even when invited in their individual capacity they should be given a very prominent place, in fact, the most prominent place in the district (except at Allahabad and Lucknow, where they will come next to the Puisne Judges of the High Court). The District Officer does not find any place in the Warrant while the Commissioner is in Article 31 so that they ordinarily rank below Members of Parliament but could claim precedence at a function of which they are in charge or at which either of them is presiding.

170. Seating arrangements for the representatives of the press should invariably be made. Care should be taken to ensure that pressmen are seated comfortably and near the dais so that they may be able to make an accurate report of the proceedings. It is advisable, if possible, to set apart a "press gallery" prominently marked as such. In any case, the chairs, etc., provided for pressmen should be marked in order that they may not be occupied by others. Instances have occurred in which arrangements otherwise well set have been marred by criticism from the press about the accommodation provided for them or total want of accommodation. This item should, therefore, receive the special attention of the organising officer. In this connection it might be helpful to consult the senior-most official of the Government's Information Department.

G. O. no.
2893/III--
9(1)-51,
dated April
17, 1951.

171. In a large assemblage, arrangements for loud-speakers will be necessary. These should be carefully fixed at convenient places and well tested beforehand. In fixing the loud-speakers it should be borne in mind that they should be so arranged as to admit of being quickly set right in the event of breakdown. Loud-speaker mechanics should remain in attendance throughout the proceedings and a spare set or sets, as may be necessary, should, if possible, be kept ready for replacements in case of breakdown. No single item can contribute towards the failure of a function to such an extent as the breakdown of loud-speaker arrangements. The organising officer should, therefore, look to this item with the greatest care.

172. (1) Volunteers to assist at the function should be carefully chosen. They should be attentive and courteous and should be assigned definite duties beforehand; usually a rehearsal is useful.

(2) The police should also be in attendance in order to prevent any untoward incident. This should be settled with the local Superintendent of Police who will determine the number of (a) uniformed and (b) plain clothed policemen to be provided under the charge of a police officer of appropriate status.

(3) Arrangements for water, fans and light should be made according to the weather and time of the function.

173. Due arrangements should be made for the reception of guests on arrival. The official responsible for the organisation of the function or his representative should receive the guests at the main entrance. With him there should be other officials and volunteers who should take the guests to their seats. All persons invited should receive proper attention.

174. (1) Arrangements should be made for the parking of cars. The Superintendent of Police will depute the necessary number of traffic constables for this purpose on requisition.

(2) Arrangements should also be made with the help of the Superintendent of Police to keep cycles safely in a convenient place and in an orderly fashion.

175. The close of a function is generally marked by disorder and occasionally a stampede. Care should be taken to provide convenient exits, and volunteers should be in attendance to help visitors in leaving the premises.

176. A formal record of proceedings should be drawn up for every function and kept for future guidance. Any defects and drawbacks in the arrangements should be entered at the end as this will prove helpful when organising future functions.

Chapter XIII—Diplomatic privileges and immunities

A—General

177. With the expansion of Diplomatic Missions in Delhi and the large number of Consular Officers in various States it has become necessary to explain the privileges and immunities enjoyed the world over by members of the Diplomatic and Consular Corps. The following paragraphs do not contain specific orders of Government but reflect the general policy which will determine the course to be taken in relation to any matter affecting representatives of foreign countries.

Introductory.

B—Immunities and privileges of diplomatic envoys

178. Diplomatic envoys are regarded in international law as sacrosanct as Heads of States themselves. Consequently they are entitled not only to every courtesy and facility but also to full protection from the State to which they are accredited. The members of their family and staff are equally entitled to protection which is also extended to their official residence, and to their personal and official effects. Moreover, they are allowed every facility to correspond with their home States by letters, telegrams and special messengers.

The official residences of diplomatic envoys are inaccessible to officers of justice, police, revenue, etc., without the specific permission of the envoys.

179. Diplomatic envoys cannot be prosecuted or punished; however this does not give an envoy the right to do what he likes. He is expected to behave in harmony with the internal order of the State and to comply voluntarily with all such commands and injunctions of the municipal laws as do not restrict him in the effective exercise of his functions. In the event of an infringement of the law by any diplomat a report should be made to Government and the matter should not be disposed of by the local authorities without the orders of the Government of India.

Exemption from criminal jurisdiction.

180. No civil action of any kind can be brought against an envoy nor can he be arrested or his effects seized for debts subject to the following exceptions:

Exemption from civil jurisdiction.

(a) if any envoy enters an appearance to an action against himself and allows the action to proceed without pleading his immunity;

(b) if he himself brings an action under the jurisdiction of the receiving State; and

(c) the local courts have jurisdiction as regards immovable property held by the envoy within the jurisdiction of the receiving State, not in his official capacity as an envoy but as a private individual.

G. O. no.
8482/III—
8(21)-50,
dated
November
20, 1950.
(G. O. no.)
5343/III—
(M. G. O.)-
504 (6)-52,
dated July 7,
1954.

181. No envoy can be obliged or even requested to appear as a witness in a civil or criminal court nor is an envoy obliged to give evidence before a Commissioner sent to his residence. But if he himself chooses to appear as a witness, courts can make use of his evidence. Hence no summons should be issued to a diplomat directly, but if his evidence is needed Government should be addressed who will then communicate with the Ministry of External Affairs.

182. An envoy is not subject to police orders or regulations nor can he be punished for contravening them. He is, however, expected to comply voluntarily with all orders of the local police which are essential for the general order and safety of the community and which do not restrict him in the effective exercise of his duties.

NOTE—The Government of India have pointed out that while the police are within their rights in asking for information from members of foreign missions in respect of traffic violations, etc., they should do so with courtesy and politeness and should not make a charge in respect of such offences. Instead intimation thereof may be sent to the State Government for communication to the Government of India.

183. While envoys are exempted from all direct personal taxation they should pay for municipal and other services, such as, sewerage, lighting, water, etc. Foreign diplomats have been allowed the facility of importing articles free of duty for their personal and official use. They are also allowed the facility of duty-free purchases ex-bond.

184. All members of the staff, provided they are appointed by their home States and are specially sent to their posts, are granted the same exemptions as the envoy himself in respect of criminal and civil jurisdiction, police, *sub poena* as witnesses and taxes. The wives of the envoys and the staff are similarly exempted. The envoy's children and near relatives and those of his staff are exempted from civil and criminal jurisdiction only. The private servants of the envoy and the staff, whether they are nationals of the receiving State or not, are also exempt from criminal and civil jurisdiction, but they cannot claim exemption from police and taxes. If an envoy's private servant commits a crime outside the residence of his employer, the police can arrest him; he must, however, be released at once if the envoy does not waive the exemption from local jurisdiction. To ensure the safety and secrecy of diplomatic despatches, diplomatic couriers are granted exemption from civil and criminal jurisdiction and are also given special protection. Those parts of their luggage which contain diplomatic despatches and are sealed with the official seal, must not be opened and searched.

C—Consular Officers and their privileges

185. (1) Consuls do not enjoy the privileges of diplomatic agents. They do, however, hold a recognised official position, being appointed by foreign States and they receive official recognition from the Heads of receiving States by the grant of Exequature. Their

Privileges and immunities of Consuls.

functions are limited and their jurisdiction extends to areas already agreed to between the appointing and receiving States. The professional (*de carrière*) Consuls have a higher position and receive more privileges and courtesies than honorary Consuls. Apart from the special protection afforded to their persons and residences under International Law, other privileges enjoyed by Consuls are accorded to them as a matter of courtesy or by virtue of specific provisions in commercial or consular treaties between the two States concerned. Consuls are not liable in civil and (perhaps) in criminal proceedings in respect of acts performed in their official capacity on behalf of their Governments and which form part of Consular functions as recognised by International Law. Criminal jurisdiction over Consuls is often limited to crimes of a more serious character. Their official documents and correspondence are inviolable, and no officer of the police, court, etc., may enter Consular buildings without the special permission of the Consul. But it is the duty of Consuls to surrender criminals who have taken refuge in Consular buildings.

(2) In the case of petty offences committed by Consuls under the municipal bye-law and the like, no action need be taken. If such offences are repeated, they may be politely reminded. All cases of violations of municipal bye-laws and regulations will be reported to the State Government, who will inform the Government of India of the action taken in the matter. In the case of serious offences, particularly those affecting the rights, safety or lives of the citizens, the usual procedure will be followed, as in the case of ordinary citizens, and an immediate report made to the State Government, who will refer the matter to the Government of India for instructions. Although the distinction between petty and serious offences cannot be indicated by a general rule, the following illustration will suffice : If the Consul fails to pay motor registration tax or drives heedless of traffic signals, a polite letter is indicated ; but if he causes an accident or injures somebody or even kills him, the usual procedure will be followed. If the Consul acting for his personal interest piles debt, a polite letter should suffice at the first instance ; but persistence in incurring debts or running large debts may, in case it is a personal matter, lead to a suit.

(3) Professional Consuls are often exempt from all kinds of taxes and from appearing in person as witnesses in court. In the latter case, they may either send in their evidence in writing or it may be taken by a Commissioner on the premises of the Consulate. Consuls, both professional and non-professional, have the right to put up the arms of the appointing State over the doors of the Consular buildings and to hoist their national flags.

D—Courtesies and facilities accorded to Heads of Missions on official and private visits

186. On the occasion of the visit by the Head of a Mission to any place in India, the Ministry of External Affairs will when necessary ask the State Government to depute an officer of suitable status to meet the visitor on his arrival at the air port or railway station. On such occasions the State Government will when

Arrangements for visits of Heads of Missions.

necessary also issue instructions with regard to accommodation. Unless the Head of a Mission is visiting a State by special invitation, all arrangements for him should be made at his own cost. While no hard and fast rules can be prescribed in the matter of providing facilities, such as transport, etc., generally speaking and in the absence of directions to the contrary, motor cars and other vehicles should be provided to the visitor at his own cost.

No special treatment need be accorded to diplomats other than Heads of Missions unless intimation is received to that effect from the Ministry of External Affairs.

E—Mode of address

187. Ambassadors, High Commissioners and Ministers are addressed as Excellencies. Charges d’Affaires and Acting High Commissioners are not so addressed. The wives of diplomats, of whatever rank, are not entitled to the appellation of “Excellency”.

Chapter XIV—Concessions and privileges of Rulers of merged and integrated States

G. O. no.
398/III-
521-49,
dated
February
18, 1950.

Government
of India
Memo. on
the
privileges
of Rulers

188. By their voluntary surrender of ruling powers the Rulers have made a noble contribution towards the unification and democratization of India. It is, therefore, of the utmost importance that not only should the guarantees given to them in all solemnity in the Agreements of Merger and the Covenants establishing the various Unions of States be effectively implemented, but they should also receive all personal consideration and courtesy which would have been due to them, if they had continued as heads of administrations of their respective States.

189. The Government of India have guaranteed to the rulers of merged and integrated States the continuance of their personal privileges and these should be carefully respected by all concerned. It has not been possible to prepare a complete list of all such rights and privileges but the following is a list of the personal privileges which have been commonly enjoyed by Rulers and which should be treated as illustrative. Reference should be made to the respective Agreements and Covenants to ascertain any special rights and privileges which may have been recognised by Government.

(1) *Medical facilities*—The Ruler and his family are entitled to free medical attendance and to such treatment as may be available in Government hospitals. The personal staff of the Ruler are also entitled to the medical facilities, according to the Central Services (Medical Attendance) Rules, 1944, subject to the condition that the staff will not be entitled to any greater privilege than the Ruler himself, e.g., the staff will not be entitled to any travelling allowance or reimbursement for medical services rendered and medicines obtained from the market. Free veterinary aid should be given to the Ruler's live-stock at the Government's Veterinary Hospitals only and not at those maintained by local bodies.

(2) *Palace guards*—Provision about these appears in the merger agreements in the case of Tehri-Garhwal, Banaras and Rampur and the necessary orders in this connection have been separately conveyed to the District Magistrates concerned.

(3) *Escort for the Ruler and his family when travelling abroad*—Government, as far as practicable, will endeavour to provide escort for the Rulers and their families when travelling outside the State on payment of appropriate charges.

(4) *Right to fly their own flags*—The Rulers will be entitled to fly throughout the territories of India their own flags on their residences and on the cars and aeroplanes used by them. This privilege will extend to the consorts and children of Rulers.

(5) *Exemption from Arms Act*—The existing exemption from the Indian Arms Act, 1878 and the rules thereunder in favour of the Rulers and the members of their families will be continued.

(6) *Exemption from Motor Vehicles Act, etc.*—The Rulers may have their cars registered without payment of registration fees. They should, however, be required to take out driving licences and these should be issued on request without requiring them to undergo any test of competency to drive or to pay any fee. They are exempt from the requirement of the annual renewal of their driving licences. A mere application on behalf of a Ruler would entitle him to receive a driving licence, provided that such a Ruler states that he is able to drive a car without any difficulty. In other respects, however, they should conform to the rules and regulations under the Act.

(7) *Use of red number plates*—Rulers may continue to use red number plates on their motor cars in place of or in addition to the State registration plates.

NOTE—(i) Red plates should be displayed only on such vehicles as are meant for the personal use of—

(a) the Ruler.

(b) the immediate members of the Ruler's family, i.e., the Ruler's consorts and children, and

(c) the Rajmata.

(ii) Each red plate should bear a distinctive number and be displayed on one vehicle only. The practice followed by the Garages belonging to the Rulers to use the same number plate on different cars should be discontinued.

(iii) The Rulers should furnish to the Area Registration Authority a complete list of the cars authorised by them to use red plates with the particulars of the vehicles and their respective numbers.

(8) *Exemption from local taxation*—The Government of India desire that in the event of house tax being levied in or extended to areas formerly constituting States, the main residential palaces of the Rulers should be exempted from this tax. With regard to the road tax, exemption will continue to be granted if this practice prevailed before August 15, 1947.

(9) *Continuance of existing right of precedence enjoyed by Rulers*—Subject to such essential adjustments as may be inevitable in the new set up, the precedence of Salute Rulers *inter se* and *vis-a-vis* officers and other persons as it existed before the 15th August, 1947, will not be changed to the Rulers' detriment.

(10) *To import free of customs and other duties goods intended for the personal use of the Ruler or the members of his family*—The privilege of importing articles (including motor vehicles) intended for the personal use of the Ruler or the members of his family free of customs or any other duties has been exercisable

CONCESSIONS AND PRIVILEGES OF RULERS OF MERGED AND
INTEGRATED STATES

only by Rulers with a permanent salute of 19 guns and over. This practice will be continued in the case of these Rulers.

(11) *Exemption from customs or any duties on the personal luggage or belongings of the Ruler while returning from any place within India or abroad*—This privilege is enjoyed only by Rulers with a salute of 10 guns and over and will be continued in their cases.

(12) *Immunity from process of courts of law*—It will be for the courts to decide whether a Ruler is immune from civil and criminal process and if so, to what extent and under what circumstances. The Government of India have no doubt that such immunity as Rulers enjoyed before the 15th August, 1947, in British Indian Courts would be regarded as a personal privilege of the Rulers and in view of the express provision in the Merger Agreements and Covenants, it will continue to be granted to them by all courts in India.

(13) *Continuance of customary religious ceremonies in the traditional manner*—The customary ceremonies should be observed consistently with the dignity of the Rulers; such ceremonies as are purely personal should be paid for by the Rulers themselves.

(14) *Exemption from payment of landing fees by the Rulers at landing grounds*—No landing fee should be charged from a Ruler at the landing grounds in the territories which formerly constituted his State.

(15) *Issue of Wireless Licences*—Rulers and Chiefs of States shall be exempt from payment of wireless licence fees in respect of Wireless transmitters and Wireless receivers including Broadcast receivers in their private use within the area of their former territories. In such cases, however, they will be required to take out free licences from the respective head of the Postal Circle in the case of Broadcast receivers and from the Director General of Posts and Telegraphs, New Delhi, in the case of Wireless transmitters and receivers. For the use of Wireless transmitters and Wireless receivers, including Broadcast receivers, worked outside the area of their former territories, the Rulers will have to continue to take out licences on payment of the prescribed fee in accordance with the normal procedure already in force.

(16) *Requisitioning of private properties of the Ruler and his family*—Properties used for residential purposes by the Rulers or immediate members of their families within the territories previously constituting their respective States will not be requisitioned or acquired without their consent and without payment of reasonable rent or compensation.

(17) *Rationed commodities*—In regard to rationed commodities, like foodgrains, kerosene etc., the Government of India have suggested that the Rulers' household should be treated as an "establishment" for purposes of distribution and bulk quantities supplied to them according to their reasonable requirements.

(18) *Rulers to be addressed by their usual recognised titles*—

(i) In official correspondence Rulers of the merged and integrated States will be addressed as Rulers of their respective States and not as "Ex-Rulers" or "Former Rulers". The Rulers who ceased to be Rulers by abdication or otherwise will, however, be referred as "Ex-Rulers".

(ii) The titles of the Rulers recognised by the late Political Department should continue. The Rulers who are entitled to be called "Highness" should continue to be so called and addressed. The traditional modes of address for Rulers, their consorts and their children should also continue to be used. In Appendix 8 is given an alphabetical list of the names with titles of Rulers whose former territories were in Vindhya Pradesh and their correct form of address to be used in demi-official correspondence.

(19) *The rights of Rulers to be given gun salutes according to the official table*—The firing of salutes is one of the personal privileges of Rulers. Government will, therefore, give the utmost considerations to the wishes of the Rulers in this matter. A Ruler can, however, claim the firing of salutes only within the area which previously constituted his State; this will mostly be in the former capital of such States and on ceremonial occasions only. This privilege does not extend to territories outside his former State.

(20) *The right of Rulers to hold Darbars*—The right is recognised subject to the proviso that attendance is voluntary.

(21) *Fishing and shooting rights of Rulers hitherto enjoyed by them in their own territories*—Suitable provision should be made to protect these rights according to the specific terms of the agreements or covenants applicable.

(22) *Full military honours to be paid to the funeral of a Ruler who had an I. S. F. Unit before the integration of his State, or of his consort or his heir apparent*—The Government of India consider that military honours should be paid on such occasion provided facilities are at hand and facilities for all due ceremonies should be accorded on such occasions.

190. (1) Under the Constitution, no restrictions can be imposed on the right to acquire, hold and dispose of property by Rulers of merged and integrated States.

Acquisition of residential and non-residential property by Rulers of merged and integrated States and civil suits in relation thereto.

G. O. no.
4866/III—
16-48, dated
July 12,
1950.

(2) Though the right of the State Government to place restrictions on the acquisition or purchase of immovable property by Rulers has been taken away by Article 19(1) of the Constitution, still the latter cannot be sued in certain cases without the prior consent of Government of India. The proviso to section 87 of the Code of Civil Procedure authorises the Central Government to direct that a Ruler may be sued in the name of an agent or in any other name and the Government of India have intimated that they will freely give consent to civil suits being instituted against Rulers in respect of any residential and non-residential property acquired by them in Uttar Pradesh.

Chapter XV—Correspondence with authorities outside the State

A—Channels of communication with Foreign Missions in India

191. All official communications with Foreign Missions in New Delhi should normally be addressed to and by the Ministry of External Affairs. Should any communications be addressed by Foreign Missions direct to State Governments, the latter will consult the Ministry of External Affairs at the earliest opportunity. A reply will be sent by the Ministry of External Affairs themselves or they will ask the State Government concerned to send a reply adding a polite request that such communications should in future be addressed to the Ministry of External Affairs.

Communications by and to Foreign Missions in India.

Government of India
O. M. no.
D-2573-GII-51, dated August 31, 1952.

192. There is no objection to direct correspondence between Consuls, Consuls-General and Trade Representatives of Foreign Governments and Deputy High Commissioners of the United Kingdom in India on the one hand and State Governments on the other, on routine matters such as requests for factual information of a non-confidential nature on technical subjects. When in doubt the advice of the Ministry of External Affairs should invariably be obtained. If security considerations arise, the Ministry of Home Affairs should be consulted.

Correspondence with representatives of Foreign Governments and the Deputy High Commissioner for the United Kingdom in India.

193. Correspondence which relates to a matter involving directly or indirectly a question of policy or one which, though not initially, may eventually lead to a policy decision should be sent through the diplomatic representatives of the countries concerned and the Ministry of External Affairs.

Correspondence involving questions of policy.

B—Channels of communication with Indian Missions in Overseas countries other than the United Kingdom

194. There is no objection to direct correspondence between the State Government and Indian Missions abroad on purely routine matters provided copies of the correspondence are endorsed to the Ministry of External Affairs as well as to the Administrative Ministry concerned. Correspondence on questions involving policy should invariably be sent through the Ministry of External Affairs.

Correspondence by State Government with Indian Missions abroad.

78 CORRESPONDENCE WITH AUTHORITIES OUTSIDE THE STATE

Exceptions—Correspondence in respect of the following will continue to be sent through the Ministry of External Affairs:

(a) Completion of D. I.—91, N.R.P.—78 and 127 forms in respect of relatives of Indian residents in South Africa, Northern Rhodesia and Southern Rhodesia, respectively ;

(b) Entry of educated entrants into South Africa ;

(c) Applications for temporary visits and entry into South Africa and any of the East and Central African territories.

195. Subordinate officers of State Government are not authorised to correspond direct with Indian Missions abroad. **Restriction on correspondence by officers.** All correspondence intended for Indian Missions abroad should be routed through the State Government and not sent direct.

G. O. no.
485/III—
50-50, dated
March 16,
1950.

Exception—The Administrator-General and Official Trustee, U. P. Government is authorised to correspond direct with Indian Missions on the remittance of monies, subject to his obtaining the previous permission of the Reserve Bank of India and the Ministry of Finance in accordance with the rules on the subject, if payments are required to be made in foreign currencies to beneficiaries abroad.

Government
of India
letter no.
D.5566-
GII/51,
dated
December
10, 1951.

196. Indian Missions abroad are occasionally approached direct by public bodies and others in India about proposed exhibitions, tournaments, etc., to be brought to the notice of foreign Governments and organisations or with the request to supply information or other material required. Private persons or public bodies cannot be compelled to route all their requests to Indian Missions through the Ministry of External Affairs and hence the question whether such requests should be at all complied with is left to the discretion of the Head of the Mission. In doubtful or objectionable cases the Mission may refuse such requests or they may ask the individual or public body concerned to apply through the Government of India.

C—Channels of communication with Foreign Governments

197. The State Government will not correspond direct with Foreign Governments. Normally such communications are not acted upon by the Foreign Government concerned and are made over by them to the appropriate Indian or diplomatic British authority. The proper channel of communication with Foreign Governments is the Government of India in the Ministry of External Affairs, and the Indian diplomatic posts in the country concerned, or where there is no Indian Representative, the British Representative.

Exception—(a) The Inspector-General of Police, U. P. may correspond direct with his opposite number in foreign countries in connection with the investigation of specific crimes of a *non-political* character.

All references about political crimes and all other references about policies and general information should, however, be routed through the Director, Intelligence Bureau, Ministry of Home Affairs, Government of India.

G. O. no. 3/VIII—286-50, dated February 13, 1951.

(b) There is no objection to courts in India which enforce foreign maintenance orders, entering into direct correspondence with courts in foreign countries in routine matters relating to maintenance orders and remittance of payments due under such orders.

Government of India letter no. D.4998-G—II-51, dated October 26, 1951.

198. There is no objection to the State Government, etc., replying directly to enquiries from private individuals and organizations abroad on purely routine matters, e.g., antecedents of an ex-employee, whereabouts of an individual, etc. It is not necessary to send copies of such replies to Indian Missions concerned unless it is felt that the enquiry will be pursued with that Mission.

Reply on routine matters by State Government.

Government of India O. M. no. D-2573-G11-51, dated August 31, 1951.

D—Correspondence with the United Kingdom

199. The Government of India have intimated that they have no objection to the State Government corresponding direct with the High Commissioner for India in the United Kingdom to the limited extent hitherto followed by them. Hence Heads of Departments and local authorities should not address any communication direct to any authority in the United Kingdom unless specially authorised to do so and subject to any conditions imposed. Matters requiring reference to the Government of the United Kingdom or the High Commissioner for India should be referred to the State Government.

Routing of correspondence to U. K. Government.

Government of India letter no. F. 3-1/47-OSV, dated August 13, 1947.

E—Correspondence with Pakistan

200. There will be no direct communication of any kind between the State Government and the Government of any province in Pakistan except where the Government of India have specifically authorised the carrying on of such correspondence.

Correspondence with Provincial Governments in Pakistan.

Government of India O. M. No. F/4—49-Pak. 1, dated April 1, 1949.

NOTE—(a) The State Government has been specifically authorised to correspond direct with provincial Governments in Pakistan in the following matters :

- (i) Exchange of publications,
- (ii) Technical health matters,
- (iii) Transfer of service records of Government employees who have opted for service in or have migrated to India or Pakistan.

Government of India letter no. 4/49-Pak. 1, dated August 8, 1949.

(b) If former servants of local bodies and Government servants who have migrated to Pakistan address the State Government direct about their pensions, provident fund balance, arrears of pay and leave salary, etc., they should be asked to route their claims through the Central Organization set up by the Government of Pakistan in the Ministry of Finance to deal with such claims.

Government of India letter No. F.4—13/50. Pak. II, dated October 26, 1950.

(c) If a request is received from any authority in Pakistan for the verification of the character and antecedent of persons who have applied for service in Pakistan it should be returned and the authority in question should be advised to approach the Government of India in the Ministry of External Affairs through the usual diplomatic channel.

Government of India letter no. D.8131/48 Pak. 1, dated April 4, 1949.

80 CORRESPONDENCE WITH AUTHORITIES OUTSIDE THE STATE

201. There will be no direct correspondence between the State Government and the Central Government of Pakistan and *vice versa*.
C Correspondence with the Central Government of Pakistan.

202. There shall be no communication between the subordinate authorities in India and subordinate authorities in Pakistan except where such correspondence has been specially authorised or is in the execution of the ordinary processes of law in accordance with any agreement between the two Governments.
Correspondence between subordinate authorities in the two countries.

Government of India letter no.F.4/49 -Pak. 1, dated August 8, 1949.

NOTE—(a) The State Finger Print Bureau has been authorised to correspond direct with the Provincial Finger Print Bureau in Pakistan.

Government of India letter no. 69/49 Pak. 1, dated August 10, 1949.

(b) If civil authorities in the State receive inquiries from any railway administration in Pakistan on routine matters such as inquiries concerning surviving relatives of employees deceased in Pakistan to enable final settlement of their dues then such information should be supplied to them by direct correspondence on a reciprocal basis.

Government of India letter no.F.4/49 Pak., dated April 1, 1949.

203. In order to save time and labour in the office of the High Commissioner and Deputy High Commissioners for India in Pakistan, all communications routed through them for the Government of Pakistan should as a rule be sent to them in duplicate or in the form of drafts to be issued by the High Commissioner or the Deputy High Commissioners.
Correspondence through High Commissioner to be in duplicate or draft form.

Government of India letter No. F.4.5/49 pak. 1, dated October 5, 1949.

204. Subordinate authorities who have received special authorisation to correspond direct with their counterparts in Pakistan should not endorse copies of their routine correspondence to the High Commissioner for India in Pakistan except in cases in which it is considered necessary or desirable to keep the High Commissioner informed.
Receipt of copies of routine correspondence by High Commissioner for India in Pakistan.

F—Correspondence with neighbouring States

205. (1) Save as below correspondence with neighbouring States will be made by the State Government subject to the general direction of the Government of India regarding the channel and mode of correspondence.
Restriction on correspondence by subordinate authorities.

(2) Subordinate authorities of the State Government must not address any authority in an adjoining State except that they may correspond to the limited extent already permitted in routine matters and subject to the express condition that questions of policy shall neither be raised nor made the subject of such correspondence.

206. (1) District Magistrates of the border districts of Uttar Pradesh and Bihar are permitted to correspond direct on the following matters only subject to the conditions in sub-paragraph (2):

G.O.no. 3979.
111—99-1950.
dated August
17, 1950.

Direct correspondence between border districts of Uttar Pradesh and Bihar.

(a) Matters in which local information is required or in connection with processes and inquiries about individuals on whom legal jurisdiction of some courts exists ; and

(b) law and order matters and emergent situations in which a reference to the usual channels is likely to cause unnecessary delay and lead to undesirable results.

(2) The above permission is given subject to the following express conditions :

(a) that any statement of fact or any commitment made by the District Magistrate will be on his personal responsibility and that the State Government will not necessarily be bound by it.

(b) that questions of policy will continue to be dealt with by the State Government alone as hitherto and should, in no circumstances, be made the subject of direct correspondence.

G. A. D.
letter no.
5996/III,
dated March
27, 1950
and
H. D.
(Police-A)
G. O. no.
1507-A/
VIII, dated
September
18, 1948

207. Reciprocal arrangements have been made for direct correspondence between the police officers of this Government and police officers of the Government of Jammu and Kashmir on routine and non-controversial matters not involving a question of policy. Police officers may, therefore, correspond direct with the police authorities in Jammu and Kashmir on the following subjects :

Correspondence with Police in Jammu and Kashmir.

(a) Inquiry slips regarding bad characters and suspicious strangers ;

(b) conviction rolls ;

(c) verification rolls of under-trials ;

(d) verification rolls of police employees ;

(e) verification/sale of arms and ammunition ;

(f) particulars of drivers and owners of vehicles involved in motor accidents and other cases ;

(g) correspondence regarding foreigners ;

(h) waiving of subsistence and transit charges of accused persons and property ;

(i) verification of movements and antecedents of bad or suspicious characters ;

(j) obtaining evidence of previous convictions ;

(k) tracing finger impression slips of undertrial persons.

Chapter XVI—Instructions regarding correspondence

A—General Instructions

G. O. no.
818/III--
16-42, dated
April 4,
1942.

208. The following general instructions are given for dealing with correspondence—

Orders on correspondence.

(a) It should be the duty of a responsible official not below the status of a head clerk or office superintendent to see that all letters, except routine correspondence dealt with by the office, are immediately put up before the officer who will deal with them.

(b) Letters other than routine correspondence should, as soon as they are received in the office, be submitted direct without any noting to the officer who will probably pass final orders, except that when orders will be passed by an authority higher than that of a Secretary, the letters should be submitted to the latter. The officer to whom letters are submitted should indicate the action to be taken on the margin. If he does not require an office note, as will generally be the case in correspondence with which he is familiar, he should simply mark "papers" on the margin of the letter, in which case references should be submitted without any note. In other cases the officer may be able to indicate the point or points on which notes are required. If the officer thinks that the matter can be dealt with by his Deputy or Assistant and does not wish to see the papers again, he should merely mark them to the latter on the margin. In other cases in which the ordinary office routine should be gone through, he should merely sign his name on the margin. In those offices in which the work is divided between a number of officers, all important Government orders should be immediately placed before the head of the office.

(c) To curtail noting—

(i) The office note should not paraphrase the letter under consideration, and

(ii) ordinarily it is quite unnecessary to paraphrase the previous history of the case. It may be necessary in the case of a complicated letter to tabulate the points raised and to give references about relevant papers, but hardly anything more should be required.

Old paras.
389-390

209. The list of subjects dealt within the various departments of the Uttar Pradesh Secretariat is published separately : that list should be used as a guide for the classification of cases and a copy may be consulted to ascertain the appropriate department to be addressed in any particular matter.

Classification of correspondence.

B—Method of correspondence

- 210.** (1) Government should invariably be addressed by letter and not by docket or endorsement except in the case of prescribed forms which are forwarded by endorsement.
- Correspondence with Government.** 391
- (2) All letters and enclosures particularly long judgments and reports should be type-written, black ink typewriter ribbon being used. Red ink should not be used for official correspondence. 392
- (3) In all cases forwarded for orders, whether enclosures are submitted or not, all that is important in the case or necessary for the full exposition of the subject should be stated in the letter. 393
- (4) When quoting any Government order in reply the full numbering should be correctly given. If former correspondence is referred to, a Government order should, if possible, be quoted, and not the last letter from the corresponding officer. 394
- 211.** When sending covering letters to Government avoid transmitting a mass of enclosures containing unnecessary repetition of the matter to be conveyed. No papers should be submitted which are not essential to a clear and precise understanding of the question referred; at the same time it is necessary to avoid the opposite extreme of supplying deficient and meagre information. In cases of minor importance, or those in which the point at issue is simple and can be briefly stated, and in all cases where the mere report of an occurrence is made, the information should be conveyed by a single letter. In cases which involve an important principle or are intricate in details or have produced elaborate discussions which cannot be rightly conveyed by any abbreviations, the mass of papers can rightly be forwarded.
- Avoidance of unnecessary enclosures.** 395
- 212.** Correspondence on the subject of departmental buildings is dealt with departmentally and should be addressed to the Secretary to Government in the department concerned.
- Correspondence regarding departmental buildings.** 397
- 213.** The name and official designation of the writer should be specified in the heading of all letters and communications, and also in all copies of letters, etc., forwarded to higher authority.
- Heading of letters.** 398
- 214.** (1) All officers are responsible for the matter and style of official letters issued in their names.
- Style of letters and forms of address.** 398
- (2) In conducting correspondence the following instructions will be observed :
- (a) In addressing Government servants under the U. P. Government, the honorifics "Sri", "Srimati" or "Kumari" as appropriate should be used instead of any other form of address. This does not apply to officers and other ranks of the Defence Forces, even if serving under the State Government or to Judges of the High Court.
- G. O. no. O-1422/II-B-55-48, dated April 14, 1948.
G. O. no. 3198/II-B-55-48, dated October 28, 1950.

G. O. no.
C-881(iii)/
XXV-CX—
32-D-52,
dated July
7, 1952.

G. O. no.
5261/III—
253-48,
dated
December
10, 1949.

G. O. no.
1968-M/XX
—308-47,
dated May
11, 1951.

(b) The appellations "Honourable" and "His Excellency" will not be used except when necessary in view of international usage and courtesy or parliamentary practice.

(c) Honorary military ranks of ex-commissioned officers employed under the State Government will not be indicated in the Civil List or in official correspondence from Government though such officers may use their honorary ranks in their private or official letters.

(d) With the exception of hereditary titles and awards for gallantry conferred on personnel of the Armed Forces, no references should be made in official documents or papers to titles against the names of any Indians.

Note—The orders in this clause do not apply to Ruling Princes.

Old paras.

399

G. O. no.
1699/III—
30-44, dated
July 25,
1944.

215. (1) Every officer when signing his own official or demi-official letters or when signing on behalf of his superiors, should invariably have his name and designation typed or written in block letters just below his signature.

(2) As far as possible officers are expected to sign their letters with their own hand, especially those of an important nature and addressed to superior authorities, to officers of other Governments or departments or to the military.

(3) Routine letters and letters to subordinate authorities may be signed by an officer to whom such power has been delegated in writing.

(4) When a subordinate officer issued a letter on behalf of his superior, without the latter's knowledge or approval, the letter should issue in the official designation of the superior officer thus :

"From the Collector.....District" and signed thus

"A. B.

Deputy Collector.

For Collector."

(5) The use of rubber or other stamps for signature is prohibited.

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216. Subject to any provision of law requiring the signature of a particular officer, District Officers are authorised to draw up lists of routine papers which may be signed by clerks. These will be subject to the approval of the Commissioner. It should be noted that section 68 of the Code of Criminal

Signing of routine
papers by clerks.

Procedure requires every summonses issued under that Code to be signed by the Presiding Officer of the Court or by such other officer as the High Court may direct.

401

217. When letters are accompanied by site maps or plans, the plans or maps should be prepared as follows :

(a) The north side of the plan should be clearly indicated with an arrow and the lettering should be so given as to be read when that side is to the top.

(b) There should be a heading to every plan showing what it represents. The scale of plan, the date on which it was prepared and the number and date of the letter to which it forms an enclosure should also be noted thereon. Old paras.

(c) The surroundings of the site or locality concerned, e.g., fields or an uninhabited site or bungalows or railway premises, etc., should be clearly shown on the plan in distinctive colours and intelligently referenced. In the case of roads the two main points between which they run should invariably be noted on the plan. Enough of the surroundings should be shown to enable a stranger to understand the character of the area in which the land in question is situated.

(d) A plan accompanying the reference on which the orders of an authority superior to the Commissioner are required should ordinarily be submitted in duplicate so that copies can be retained in those offices for reference when necessary.

(e) The exact locality regarding which reference is made should always be indicated by a wash of colour and a marginal note.

218. The date of a letter should, except for special reasons, be that on which the letter is despatched. 402
Date of letter.

219. (1) Covers containing official correspondence *not of a confidential nature* should be addressed to the officer for whom they are intended by his official designation. The address on the cover as well as the letter should mention the name of the department for which the communication is intended and in any doubtful case the name of the department likely to be concerned may be stated, if possible. 403

G. O. no. 92 (1)/XX—1941, dated November 1, 1941; G. O. no. 4916/XX—1945, dated July 9, 1945; and O.M. no. 2527-M/XX—50, dated November 4, 1950.

Addressing of letters and use of covers.

(2) Confidential papers should be placed in double covers, the outer covering being addressed as above and the inner cover being marked confidential and subscribed with the name only of the addressee. If, however, confidential reports or letters, such as weekly or fortnightly reports, require urgent attention, the outer cover should also be addressed to the officer by name.

(3) Economy slips should not be used on covers containing secret papers. Both the covers, viz., the inner and the outer covers, used in the despatch of secret documents, should be closed by normally pasting the flaps. The inner cover containing the secret papers should be properly sealed and should be duly marked "Secret" but the outer cover should *not* be sealed or marked secret.

220. When more than one letter is sent on the same day to the same office, all letters so despatched should ordinarily be included in one cover and not sent separately. 404
Despatch of letters to same office on the same day.

Old paras.
405

221. All papers intended for translation by the Translation Department of Government should be sent to the address of the Secretary to Government in the department concerned. Only such matters as require the service of a skilled translator should be sent.

G. O. no. C-
3486/
XX—46,
dated June
20, 1946.

222. All communications conveying requests from the public should receive prompt attention. Every such communication should as a rule be acknowledged and decisions must be communicated without undue delay. In some cases inquiries may have to be made which may necessitate some delay and where this is likely, the communication should be briefly acknowledged with the intimation that it is receiving attention. For the latter purpose an acknowledgment may be given in the printed form below subject to such amendment as is necessary :

GOVERNMENT OF UTAH PRADESH

.....DEPARTMENT

No.....dated.....19 ..

Office Memorandum

The undersigned is directed to acknowledge receipt of your letter no.....dated....., and to say:—

(a) that it is being considered and a further reply will follow :

(b) that it has been passed for disposal to.....who deals with the subject and to whom any further communication on the subject may please be addressed.

Signature.....

Designation.....

U. O. no.
1296/XX—
1941, dated
July 17,
1941.

223. An annual index is compiled of all circular orders of Government which are of permanent importance. A copy of that index will be supplied to all Heads of Departments and Principal Heads of Offices in order to enable them to retain such Government Orders. This index will be compiled and distributed by the General Administration Department of the State Secretariat.

C—Inspection and grant of copies of official records and correspondence

411

224. (1) Official records and correspondence other than judicial records should be treated as confidential whether so described or not, unless duly published by authority. The communication of their contents or any part thereof or the grant of copies to or the inspection thereof by members of the public is not permissible except by order of a competent authority. No such publication of the orders of or of letters from a superior authority may be made by a subordinate authority except to the extent indicated in the orders or letters themselves, or except with the permission of that superior authority.

Instructions regarding grant of copies and inspection.

(2) Where orders from a superior authority are received for communication to a third party due discretion must be exercised as to the form in which the communication is made. A complete copy of the order from Government or other authority should not necessarily be supplied since that may contain in addition to the order, an expression of opinion or reasons not intended for publication. Old paras.

(3) Similarly copies of any recommendations or reports made by a subordinate to a superior authority should not be given to the party concerned. To do so may not only raise false hopes but may embarrass the officer concerned if his recommendation is not accepted. Further a practice of granting copies in such cases can prove embarrassing, for if the contents of favourable reports are thus freely revealed, a refusal to reveal may indicate that the report is adverse. While these directions apply particularly in the case of recommendations made to Government for the grant of pensions or of concessions of any kind they are also applicable in most executive matters. It is, for example, undesirable that a subordinate magistrate should endorse and return an application for presentation to the District Magistrate. If the subordinate expresses an opinion he should then himself undertake the forwarding of the application.

D—Circulars and Notices

225. Only those circulars, addressed to subordinate officers by 412
Heads of Departments, which enunciate important principles or changes of policy not already sanctioned by Government or for which the sanction of Government is specially required by law, must before issue be submitted to Government for sanction.
Circulars.

Copies of all important circulars issued by Heads of Departments on their own authority should be submitted to Government for information at the time of issue.

226. Government disapproves of notices which call attention to 413
the law or proclamations addressed to the public in general or to any class of the public, being issued by any authority other than Government.
Issue of notices by Commissioners and District Officers.
Heads of Departments are authorised to call the attention of their subordinates, by means of circulars, to existing rules and orders (vide paragraph 225); but officers subordinate to the Government are not permitted to issue instructions or to expound the law by proclamations or notices to the general public. District Officers who think that the attention of the people should be called to certain provisions of the law, or who desire to issue general proclamations on any matter of importance not provided by law, should submit their proposals to Government.

This direction is not intended to restrict the powers of magistrates to issue notices or proclamations regarding matters which it is necessary or desirable to make known to the public, e.g., the closure of a road, the outbreak of disease at a fair, or the like.

E—Reports, Returns and Reviews

- Old paras. **227.** The practice of Heads of Departments calling for reports from all District Officers on matters with which they could themselves deal or on which only a few local officers could give a really useful opinion should be discouraged as far as possible. Where advice is required a report should usually be called for from only a few selected officers.
- 414 **Reports from District Officers.**
- 415 **228.** The list of annual reports and returns with dates of their submission to Government is contained in Appendix 9.
- Annual Reports and the date of their submission**
- 416 **229.** Annual reports should contain the explanation of really important or suggestive variations in the statistics and the statement of really noteworthy facts in the history of the year's administration. No mere paraphrasing and reproduction of statistics should occur.
- Report to state important facts.**
- 417 **230.** Similarly a review should be restricted to comment or criticism on the general results, so far as comment or criticism is required, or to directions arising out of some statement of facts or opinion which seems to require notice by the Government. It should contain no precis or summary of the report.
- Substance of review.**
- 418 **231.** All attempts to offer explanations of variations in the figures, which are not important or unusual, should be excluded, unless the fact alleged in explanation is in itself important enough to demand mention. The idea that it is necessary to say something should be discarded and it should be recognised that the briefer a report is the better if it says all that need be said to show an intelligent comprehension of the meaning of the facts and figures and of the salient features of the year's work.
- Exclusion of unnecessary matter from report.**
- 419 **232.** The body of the report should be almost entirely in narrative form: if occasionally it is necessary to introduce tables of comparative statistics into the narrative, such statements should be brief and simple and their number rigidly restricted.
- Report to be in narrative form.**
- 420 **233.** (1) In case of all reports for which statistical tables have been prescribed by Government as appendices, no additional tables should be appended to, and referred to, in the report without the previous sanction of Government. The inclusion of statistical data should be judged in the light of (a) its usefulness, (b) its accuracy and (c) the need for economy of space, time and money in compilation and printing.
- Exclusion of unauthorised statistics and appendices.**

(2) In the case of reports prescribed by the Government of India, the previous sanction of that Government is necessary to the submission of additional appendices. Old paras.

234. The maximum limit fixed for printed reports applies to 421
Limit for reports. years of ordinary conditions and, though it need not be worked up to in every year, should never be exceeded unless the writer has, for exceptional reasons, sought from Government and obtained, before undertaking his report, permission to exceed it in a particular year. In the case of manuscript reports the standard or limit fixed should be observed, so far as possible.

235. The Head of the Department or head of the office is responsible for the report, and the submission, with 422
Reports to exclude notes by subordinate officers. an annual report, of reports or notes by subordinate officers is strictly prohibited. Assistance received from a subordinate officer in connection with the preparation of a report can be duly acknowledged therein.

236. The record of the writer's views on points cognate with the 423
Relevancy of subject matter. subject matter of the report, and the introduction of discussions, in themselves useful and possibly interesting, are wholly out of place and are prohibited.

237. Censure or criticism of officers of other departments of Government should not be expressed in an annual report. Cases in which such action seems called 424
Censure on officers of other departments. for should be reported separately, if necessary, for orders.

238. All annual departmental reports should be shown to Government before they are finally printed and issued, 424A
Government to see reports before printing. irrespective of whether Government reviews them or not. There is no objection to the reports reaching Government in proof, if this is more convenient.

239. The following instructions relate to minor matters :— 425
Supplementary instructions for reports.

(i) When maps are given, it is convenient to place them at the beginning or end of the volume.

(ii) Maps and diagrams are occasionally useful as graphic illustrations of interesting or important variations and in reports of a special character, such as that relating to railways ; but for ordinary reports tables answer all purposes.

(iii) Tables of statistics should not be printed sideways on a page unless distinct economy of space thereby results. The foolscap size lends itself easily to the printing of tables, with their heading across, instead of along the length of the page.

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(iv) Pages of tabular matter are frequently printed with the columns left entirely or almost entirely blank. This is in almost all cases unnecessary. It can often be remedied by dispensing with columns seldom used, and sometimes by discontinuing or recasting the return.

(v) The number of pages fixed as the maximum limit of the report should be given on the page containing the table of contents.

(vi) The practice of giving in full detail and in separate columns in tables of statistics the corresponding figures for the preceding year is objectionable. In most cases it will be found sufficient to give corresponding figures for the totals only, by means of one additional line at the foot of the table.

(vii) Cross references between the statistical tables and the paragraphs discussing them should be given by means of marginal entries on the paragraphs and, if possible, also on the tables themselves.

(viii) Reports must be printed in solid pica and the extracted matter and appendices in small pica; statistical appendices may be printed in small pica, bourgeois or brevier as may be found convenient.

(ix) Reports must be submitted by the fixed date.

(x) The title-page of a report should invariably show the day and the month on which the year of report ends.

(xi) All printed reports will bear as final date the day on which the last sheets, finally corrected, were sent to the Press from the office of submitting officers with orders to print them off; and the date of issue of such reports from the Government Press will be printed on coloured paper and pasted on the first page of the report.

(xii) The responsibility for the correctness of all figures in reports submitted to Government rests with the submitting officer and as soon as a report is printed, he should have the figures carefully checked in his office. It should be certified that this has been done and the figures found correct or the necessary corrections made. When reports are received direct by Government from the Press, the result of the checking should be communicated separately with as little delay as possible.

(xiii) In the case of important printed administration reports, a table of contents showing the subject dealt with in each paragraph should be prefixed and a list of appendices quoting the page on which each is printed should be prefixed to the appendices.

(xiv) Fractions of a rupee should be omitted from tabular statements and from the body of a report except where necessary, such as in the case of rates or percentages.

NOTE :—The head of a department should carefully examine a report on receipt, and check any breach of rule or tendency to depart from the above instructions. A similar examination will be made on receipt by the Government of a report from the head of a department.

Old paras.

426

240. The following instructions relate to subsidiary reports and subsidiary reports and returns:
returns.

(i) In the case of an annual report, with prescribed appendices, additional statistical statements may not be called for by the head of a department or other intermediate authority receiving the report.

(ii) A new periodical report or return may not be permanently prescribed without the sanction of Government.

(iii) If a periodical return for a limited period is prescribed, a copy or translation of the form should be inserted in a guard-book, and the name of the return, of the authority prescribing the return, the date of his order, and the date from, and to, which the return is to be submitted, should be entered in a table of contents prefixed to the guard-book.

(iv) Heads of departments should intimate to Government the imposition by them of such temporary returns, and should when on tour examine the guard-books of subordinate officers, with a view to the elimination of obsolete or unnecessary returns.

(v) General instructions regarding the preparation of annual administration reports should not be issued by the head of a department without the sanction of Government.

(vi) A report or return which can be prepared in a higher office should not ordinarily be called for from a lower office.

(vii) A report on receipt should be examined in the office of receipt, the appendices compared with the authorised list of appendices, and any unauthorized appendix returned immediately to the writer.

(viii) In manuals and volumes of orders prescribing returns and giving specimen forms of them, the number of the paragraph or section of the rules prescribing the return should invariably be entered on the specimen form, to facilitate reference to the authority for the return.

(ix) A return should not be called for from districts which cannot possibly send in any but blank returns. As a precaution, in the case of periodical returns other than annual, at the beginning of the year a docket can be sent by the local officer stating that the return has been blank during the past year, and may be assumed to be blank during the ensuing year, unless intimation is given to the contrary.

Old paras.

(x) Such papers as indents or requisitions should not be regarded as returns which must be submitted by a fixed date, unless the articles indented for are invariably required at stated intervals.

F—Reports regarding important occurrences

428.

241. (1) All important occurrences within the districts shall be reported demi-officially by District Magistrates to Government with a copy to the Commissioner. These reports will be made in accordance with paragraphs 242 to 244 below.

Special reports.

(2) On receipt of a copy of the District Magistrate's report the Commissioner will issue such instructions as may appear necessary and shall immediately report the action taken to the Chief Secretary to Government by name.

429.

G.O.no.
738/III,
dated
February 26,
1946 and
G.O.no.
3259/III—
1421/1945,
dated
October 16,
1946.

242. The occurrences to be reported include —

Occurrences to be reported.

- (1) specially serious crimes ;
- (2) professional dacoities ;
- (3) murder of peculiar atrocity ;
- (4) fire raising in houses ;
- (5) serious defalcations of public money ;
- (6) accident with severe loss of life ;
- (7) severe injury caused by shooting parties ; *
- (8) accusation of ill-treatment or torture by the police ;
- (9) riots which involve a serious breach of the peace ; †
- (10) all cases of hurt and assault involving foreigners excluding alleged assaults regarding which there is no confirmation or assaults of an insignificant character ;
- (11) outrages which have a political aspect ; ‡
- (12) calamities, such as floods and earthquakes ;
- (13) serious development in public health, famine and other aspects of the economic situation ; §

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- (14) serious untoward incidents in the law and order sphere ;
 (15) special important events which have political or administrative importance.

Old paras.

*NOTE 1. Should it be considered that an accident reported under clause (7) was due to negligence on the part of a person licensed under or exempted from the Indian Arms Act, 1878, the report should state whether the negligence is considered such as to be deserving of punishment by cancellation of the licence or of the exemption, as the case may be.

†NOTE 2. In cases falling under clause (9) when fire-arms have been used by police or military, the fact that a magisterial enquiry is being held under paragraph 722(4) and the name of the enquiring magistrate should be reported invariably.

‡NOTE 3. On the occurrences of outrages which have a political aspect, the Commissioner should, even if no military personnel is involved, send intimation to the Officer Commanding the Station if troops are stationed in that civil district, or if troops are not stationed there, then intimation should be given to the General Officer Commanding the Sub-Area.

The detailed report addressed to the State Government upon any such occurrences need not be communicated by the local civil officers to the local military authorities, unless the co-operation of the latter is sought. If necessary, Government will communicate with the General Officer Commanding the Area.

§NOTE 4. It is not intended that special reports with respect to food and public health should be substituted for the ordinary routine reports sent from districts. It is recognised that in regard to a progressive deterioration it is not easy in such cases to judge when a report should be sent. District Officers must, therefore, use their discretion when deciding that circumstances are such as to require immediate report to Government.

243. (1) All cases falling in clauses (9) to (15) above require report to the Government of India and should, therefore, be reported by telegram to the State Government. In other cases District Officers

430

Method of report.

will use their discretion.

(2) Occurrences of communal, agrarian or political riots should be reported by District Officers to Government by telegram and repeated to the Commissioner. A detailed and complete report should be submitted by post as soon as possible and a copy should also be sent to the Commissioner. Reports whether telegraphic or otherwise should contain the fullest possible details of casualties.

(3) Reports which relate to the commission of serious crime or riots which involve a serious breach of peace, or outrages which have a political aspect or reports in respect of serious untoward incidents in the law and order sphere, should be sent to the Home Secretary by name: all other reports, whether by demi-official letters or by telegrams, should be sent to the Chief Secretary by name. In all such cases the District Officers should also endorse a copy of the report to the Secretary to Government of any other department which is concerned.

NOTE :—The above instructions do not affect those issued for the submission of reports of similar occurrences by Superintendents of Police to the Inspector General.

244. Any preliminary reports sent should be followed by a further report intimating the action taken or the result of any investigation or trial, if held.

431

Supplementary reports.

Where such further reports are made officially, the demi-official correspondence should be closed by a reference to the official papers.

G. O. No.A-
2388.XXV/
CX, dated
May 29,
1952.

245. District Magistrates are often required to send reports to Government with regard to certain incidents or on complaints received from members of the public. Reports on such enquiries made by Government should receive priority of attention and should be submitted with the least possible delay. Enquiries in such cases should be entrusted to some responsible officer personally and routine methods should not be followed as they invariably lead to delay and serve no purpose. If the enquiry is likely to take time, an interim report stating the outline of the case should be sent immediately to the Home Secretary.

Reports required by
Government.

G—Fortnightly Reports

Old para.
433.

246. (1) In order that Government may be in direct touch with the administration, Commissioners should once a fortnight send a demi-official communication addressed to the Chief Secretary by name, containing such general information as Government should know with regard to the condition of their divisions, the state of public feelings, and any other important events which may not have been reported separately under paras. 242 to 244. No list of occurrences that should be reported is specified, as this would defeat the object which Government has in view, of confining the reports within comparatively narrow limits, while the character of the matter which should be brought to the notice of Government must necessarily vary at different times and at different places. A letter of not more than four foolscap pages, written half margin (type-written, if practicable) would, in ordinary circumstances, be sufficient. It should deal more particularly with any circumstances likely to affect the material prosperity of people, and with any matter connected with the agricultural condition of districts, as well as with the general state of popular feeling, and movements of political importance. The communication will be submitted for information merely, and if any points are brought to notice which appear to require official action, directions will be issued that they should be separately reported in the usual official manner.

(2) The Commissioner's report for the first half should reach Government by the 25th of the month while the report for the second half should reach Government by the 10th of the following month. Commissioners will make the necessary arrangements to obtain from District Officers material for their fortnightly letters.

(3) District Officers should show to the Superintendents of Police of their districts a copy of the fortnightly demi-official report sent to the Commissioner and also the copy received by them of the fortnightly report sent by the State Government to the Government of India.

(4) Commissioners should send a copy of their report to all other Commissioners and to the Administrative Member, Board of Revenue, at the time of sending the original to the Chief Secretary.

[III—General Administration Department

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(5) In order that Government may be able to form an idea regarding crop conditions as early as possible, every District Officer should submit an extract from his fortnightly demi-official report relating to weather and crop conditions of his district direct to Government in the Revenue (B) Department so as to reach by the 5th and 20th of every month positively.

D. O. no.
5027/18-1521
1953, dated August
27, 1953.

247. Unless it is considered that they should be retained longer, the following papers concerning fortnightly Weeding of papers connected with fortnightly reports. reports may be destroyed after the expiration of one year, i.e., those for the year 1950 may be destroyed at the beginning of 1952 and so on:

G.O.No.A-
5067-XXV/
CX, dated
November
24, 1951.

(1) Weekly selections from newspapers, which are marked confidential:

(2) Copies of fortnightly demi-official letters from the District Officer, and copies of those sent by the Commissioner to the Chief Secretary. (These papers may be retained for three years in the office of origin.)

(3) Police confidential weekly diaries and fortnightly crime reports, which are received by District Officers. (This order does not refer to the retention of these papers in the office of origin.)

Chapter XVII—Touring

A—Touring by Commissioners

Old paras.
434(3)(a)

248. Commissioners are required by paragraph 1723 of the Revenue Manual to inspect each district office in their divisions once a year. This is most conveniently done in the rains. In addition they should tour in or visit the districts of their divisions during the cold weather and when necessary at other times sufficient to keep themselves in touch with all aspects of district administration and local affairs.

Commissioners should aim at visiting each tahsil once in four years.

B—Arrangements for tour by district staff

434

249. (a) By October 10 in each year the District Officer should fix the periods during which Sub-Divisional Officers will go on tour. He will also consider whether it is necessary for any other officers to tour, and in particular, in the case of officers under training, should arrange that they should tour for a suitable period either with himself or in the company of an experienced Sub-Divisional Officer.

(b) He should at the same time draw up tour instructions for the guidance of his staff and should send a copy of these instructions and of the periods fixed for touring of his staff to the Commissioner by October 24.

(c) He must at least once a year visit each tahsil and also each police station.

(d) He should also in early winter outline his own tour programme having due regard to what inspections of tahsil headquarters and police stations are necessary.

250. At least a fortnight in advance each officer should prepare and submit a detailed tour programme to Sub-Divisional Officer. Together with a map to the District Officer for approval. In preparing the programme he shall consider —

(a) the need of examining the economic state of his sub-division.

In this connection attention is drawn to Chapter III (paragraphs 545 to 553) of the Land Records Manual which should be carefully complied with;

(b) the inspection of Land Records required by paragraphs 577-581 of the Land Records Manual with a view to deciding which kanungo's and lekhpal's circles require inspection.

This is one of the most important parts of a Sub-Divisional Officer's work, and the programme should provide for the thorough *partial* of six lekhpals for each week spent on tour;

(c) the state of law and order in his sub-division and of rural crime generally and the inspection of police stations;

(d) the need for local inspections in connection with judicial proceedings ;

(e) the need for inspecting notified areas and town areas ;

(f) the maintenance of close touch with all classes in rural areas ;

(g) the need for examining the work and formation of Gaon Sabhas, Land Management Committees and Panchayati Adalats ; and

(h) any other matters requiring attention.

251. Government attach much importance to the desirability

Tour of rural areas.

of touring off the beaten track, and of avoiding stereotyped tour programmes of easy travel which fail to bring officers into real contact with rural affairs. The District Officer must scrutinise, and if necessary, modify tour programmes to ensure that the objects set out in this and the preceding paragraphs are achieved.

252. (a) The normal period of touring for District Officers will

Period of touring.

be three months. In the case of Kanpur, Allahabad, Banaras, Agra and Lucknow where it is not possible for the Collector himself to tour for the full period of three months, he should tour for two months and the deficiency, if practicable, be made up by the Additional District Magistrate.

Old paras.
434(3) (b),
(c) and (d).

(b) The period of touring for Sub-Divisional Officers should be limited to one month. If, in special circumstances, the Collector considers it desirable to extend this period from one month to six weeks he may do so by reporting the fact to Government and the reason for which he considers the extension necessary. In the case of the Sub-Divisional Officer of Lalitpur, Karwi and Mahoba, the period may be extended to three months at the discretion of the District Officer.

(c) Tahsildars should tour for 45 - 60 days according to the size of the tahsil.

253. (a) Copies of all tour programmes must be posted at head-

Public notice of programme and intimation of cases on tour.

quarters and at the tahsils and police stations concerned. Copies should also be sent to the bar libraries.

(b) Officers should adhere to the programme as nearly as possible ; if any change is made intimation should be given immediately at all places where copies of the programme have been exhibited or sent.

(c) When parties and witnesses are summoned to appear in camp, the place as well as the date must be stated in the summons.

(d) The place of hearing should invariably be clearly stated in the order sheet.

C—Work during tour

G.O.No.
4370/I-
697B/1946,
dated July
11, 1947 ;
G.O.No.
7785/I-B-
697B/1946,
dated De-
cember 6,
1947, and
G.O.No.
2238/I-B-
697B/46,
dated May
31, 1948.

254. The following instructions indicate the duties to be performed by Sub-Divisional Officers on tour :

Duties of Sub-Divisional Officers on tour.

(a) They will comply with the instructions in the paragraphs of the Land Records Manual mentioned in sub-paras. (a) and (b) of paragraph 250 and examine thoroughly the records of as many lekhpals as possible. They should particularly see if the revised rules for the preparation of the Khatauni and Khasra are followed properly.

(b) Where considered advisable local inspections should be made in revenue or criminal cases pending before them, as such inspections often make a great difference to the case with which a just decision may be reached.

(c) Sufficient stress cannot be laid on the importance of getting into touch with the people and public opinion generally so as to know their grievances with regard to supplies and local officers and priority should be given to establishing such contacts.

(d) Officers should try to remove whatever just grievances or complaints may be brought to their notice whether concerning non-officials or officials. All such complaints should be looked into and where necessary appropriate cases may be reported to Government through the proper channel. Sub-Divisional Officers on tour should see that they are easily accessible to the public and that people have opportunity to put forward their grievances. They should make it clear to their subordinate staff such as peshkars, patwaris and kanungos that they should on no account hinder people who wish to see the officer to place their grievances before him or for any other purpose. Strict action should be taken against any staff found to offend in this respect.

(e) The Sub-Divisional Officers should ascertain by actual inspections how the areas vested in the Gaon Samaj are being utilised and, where desirable, suggest to them suitable ways and means for developing them.

(f) They should specially inspect the areas which have been classified as precarious by Settlement Officers and find out if the causes of precariousness still remain. If so, they should make suggestions for the removal of such causes.

(g) They should inspect the areas which have suffered from scarcity during the last three years and examine in the tahsil as a whole generally, and those areas in particular, works which can be taken up as test relief works in case scarcity conditions reappear.

(h) They should inspect the work of collection of land revenue and canal dues, particularly by verifying on the spot the receipts issued to tenure-holders with their statements.

(i) They should inspect the progress of work for which a taqavi advance has been taken and ascertain if the money has been spent on the work for which it was granted.

(j) They must take steps to promote communal harmony in their sub-divisions and to create a feeling of security and confidence among the people. They should promote and assist the organisation of the Rakshak Dal.

(k) They will inspect Notified Areas and Town Areas but they will not inspect any work which is under the control of a district or municipal board unless requested to do so.

(l) They should acquaint themselves with the state of law and order in their sub-divisions and with rural crime generally. They must look into the action taken against bad characters and undertake the inspection of police stations in accordance with the instructions in paragraph 719 of this Manual. At such inspections it is desirable to have a discussion with the police gazetted officer in charge of the circle if that can be arranged.

(m) They will act in accordance with such further directions as are contained in the tour instructions issued by the District Officer. District Officers will see that Sub-Divisional Officers utilise their time properly and that no "begar" is taken.

255. Before going on tour Sub-Divisional Officers will scrutinise

Case work on tour.

their lists of pending cases both criminal and revenue and whatever cases can be conveniently disposed of on tour should be fixed for hearing. However, care should be taken not to fix such cases on tour as may interfere with the proper discharge of tour duties. In particular, police cases involving persons in custody should not ordinarily be heard on tour and all cases in which women are accused should, if possible, be tried at headquarters. The place of hearing should, in each case, be selected with due regard to the convenience of the parties and the witnesses. As a rule, only such cases should be taken up as relate to the village where the court is held, and in case the parties belong to a different village, it should be within easy reach. Ordinarily no case should be taken up during the touring period where the parties and witnesses concerned reside beyond a five-mile radius of the camping place. The main object of these conditions, which are not absolutely rigid, is that the convenience of parties and others should be carefully kept in mind. Normally there should be no occasion for complaint that work for which people have attended has not been taken up because the officer concerned has failed to reach his destination at the scheduled time or because he is otherwise occupied. Care should be taken to arrange dates of cases on tour in a methodical way and as far as possible this should be done at or before the commencement of the tour.

Old paras.
436

256. The District Officer must make suitable arrangements for the disposal of such case work as is not done on tour and which should not be postponed. It is desirable that touring officers should be relieved of as much case work as possible without their authority as Sub-Divisional Magistrates being impaired and it is of particular importance that any important police cases should not be unduly postponed owing to the officer being on tour. Where cases are transferred no officer should be permitted to neglect such portion of the work of a brother officer as may, owing to the exigencies of the touring season, be so entrusted to him. Failure in this respect should be regarded as a fault requiring criticism and, if necessary, report.

438, 439 and
440.

257. (a) All officers who have not completed five years' service in the Indian Administrative Service or the U. P. Civil Service will maintain diaries when on tour which will be submitted to the District Officer at such intervals as he may direct.

(b) Diaries should not be too diffuse and discussion on theoretical subjects and remarks on the ordinary incidents of travelling should be avoided, but they should indicate clearly the work done and the amount of time spent thereon.

(c) In the case of Sub-Divisional Officers it will not be necessary to repeat in the diaries inspection notes duly recorded. Thus a Sub-Divisional Officer after inspecting a tahsil will record his notes in the regular inspection book and not in the diary. There an entry to the effect that so many hours were spent in inspecting departments (names to be given) will suffice.

(d) On the other hand, officers who have not the powers of a Sub-Divisional Officer or who are under training will ordinarily not record detailed notes in the regular inspection books and in such cases a more detailed entry in the diary to indicate what they have observed is desirable.

(e) District Officers should examine these diaries to ensure that junior officers whether under training or not make good use of their time, spend a large proportion of their day in out-door work and generally take an intelligent interest in all branches of the administration.

D—Action on conclusion of tour

258. (a) On the conclusion of the cold weather tour Sub-Divisional Officers should submit the report required by para. 550 of the Land Records Manual as to fluctuations in agricultural prosperity, and also the report, note-book and map regarding Land Records required by para. 582 of that Manual.

(b) They should also submit a general report of not more than three typewritten foolscap pages on the general condition of the tahsil, the state of law and order with particular reference to dacoity and other heinous crimes, any difficulties in collecting rent or revenue, and such other matters of interest or importance not already covered by a report made under para. 550 mentioned above. These general summaries shall be preserved in a guard-book, and shall be put up year by year when a tour is planned under paragraph 249.

Old para 5

(c) They should also submit their remarks for the village and par-gana books for the approval of District Officers and a report on the suitability of the approved famine work and the new test or relief works which they propose.

259. District Officers should submit to the Commissioner by April 15, a return in the prescribed form (Misc. No.180), showing the names of those officers who have made tours and of those who have not, with any necessary explanations. They should at the same time certify that they have received the reports required by para. 258 above. The Commissioner will pass such orders thereon as may be necessary.

435

E—Monsoon tour

260. District Officers should ordinarily make a rains tour of not less than ten days' duration, and should take this opportunity of visiting tahsils which have not been adequately inspected during the cold weather.

261. Sub-Divisional Officers should spend not less than 12 days during the rains at the headquarters of tahsils in their sub-divisions, and should at this visit make a thorough inspection of the various departments of the tahsil. Instructions regarding inspection of tahsils are given in Chapter LXXXII of the Revenue Manual and Chapter LVII of the Land Records Manual.

434(4)

NOTE—The Buildings and Roads and Irrigation Branches of the Public Works Department have agreed that inspection bungalows maintained by them may be used by gazetted officers of all Government Departments travelling on duty. The Public Works Department Officers will have a prior claim on these bungalows and the Executive Engineer or Sub-Divisional Officer in charge must be given due notice when an officer of another department desires to use a bungalow. A small charge for cleaning may be made and should be paid by the officer occupying the bungalow.

Chapter XVIII—Camp equipage, transport and supplies

A—Camp Equipment

Old paras.
2201

262. Heads of Departments (other than Conservators of Forests), Sanctioning authorities, are authorised to sanction the supply of tents required for their use and for the use of officers subordinate to them subject to the conditions laid down in paragraphs 263 to 265.

263. (1) The prescribed scale of tents should not be exceeded without the special sanction of Government.
Conditions of sanction.

(2) Indents for tents should be submitted to the officers authorised to sanction the supply of tents by the 15th May in the form given below.

(3) Officers authorised to sanction the supply of tents should satisfy themselves before sanction that the indents have been correctly prepared in accordance with orders governing the supply of tents.

(4) Indenting Officers should furnish annual certificates to their respective heads of departments that all condemned tents have either been sold or are being utilized for purposes, other than touring, approved by them, which will not necessitate any repairs to the condemned tents. A list of condemned tents so utilized should be maintained in the office of the indenting officer and a copy thereof in the office of the sanctioning officer.

NOTE—(a) An indent for new tents should be accompanied by a certificate of unfitness attested by two Government officers about the condemned tents to be replaced.

(b) Ordinarily tents should last for 10 years if properly maintained. Where tents are condemned before 10 years special reasons should be given.

Form of Indent

Indent for tent for the.....

Description of tents	Number of tents permitted according to sanctioned scale*	Number in stock	Number service-able	Number unservice-able (with date of purchase)	Number asked for	Remarks
1. Round or square ended Swiss Cottage Tent.						
2. The Hudson Raoti.						
3. Round or square ended Miniature Swiss Cottage Tent.						
4. Special Police Pattern Tent.						
5. Tahsildars' Tent.						
6. Uttar Pradesh Government Pattern Office Tent.						
7. Necessary Tent.						
8. 80 lb. L. S. F. Tent						

Description of tents	Number of tents permitted according to sanctioned scale*	Number in stock	Number serviceable	Number unserviceable (with date of purchase)	Number asked for	Remarks	Old paras.
9. Shouldari or servant pal or common pal.							
10. Shumiana.							
11. Other tents (double or single-poled Regulation tent, double or single-fly Ruoti, double or single-fly Sleeping Pal, Garden Tent, Hill Tent).							

*Sanctioned scale (vide paragraph 266, Manual of Government Orders).

NOTE—(1) An indent for the purchase of new tents should be made to the Head of Department concerned so as to reach him by the prescribed date.

(2) A certificate of unfitness should accompany the application, vide Note (a) to paragraph 263 of the Manual of Government Orders.

Date

Signature of Indenting Officer

264. (1) The Director of Cottage Industries will be the central authority for arranging the supply of tents.

2203

Supply of tents.

(2) All indents for tents should be placed with the Superintendent, Central Jail, Fatehgarh, and copies thereof should be sent to the Director of Cottage Industries.

(3) On receipt of the copy, the Director of Cottage Industries should see how far requirements can be met from the stock of surplus tents. If so, he will instruct the jail not to manufacture the tents which can be supplied from surplus stock.

(4) Where in any case the Jail Superintendent reports that he is unable to supply any particular number or kind of tent within three months of the date of the order, the Director of Cottage Industries will invite tenders for the supply of such tents in the open market, on approved specifications, and then place orders to the best advantage.

265. (1) Tents in excess of the sanctioned scale, supplied to districts or heads of departments with the special sanction of Government for a special occasion, as for instance, when extra officers are posted during famine, should be kept separately where they are and may be utilized to meet indents to replace ordinary stock under the orders of the sanctioning authority. The sanctioning officer should keep a separate account of the number of each kind of tent in his department or division and the districts where they are placed. He will also send to the Director of Cottage Industries, as soon as the indents for the year have been met, and not later than the 1st July, a statement showing :

2204

(i) the number of excess tents of each kind at his disposal, with an explanation, where the number differs from that shown in the previous year, of how the tents have been disposed of ;

Old paras.

(ii) how many of the tents he expects to use in meeting the indents of the year next following.

(2) The Director of Cottage Industries will arrange for the transfer of tents from one place to another, if necessary, and will report to Government cases in which the sanctioned scale of tents is being exceeded. This report should reach Government for orders by the 1st September each year.

2205

266. The sanctioned scale of tents for districts for the use of revenue officers on the district staff with touring duties is given in the appended statement. This scale does not provide tents for the requirements of settlement officers and officers on special duty like Land Acquisition Officers. If new tents are required for such officers special application should be made to Government:—

1	2	1	2
District	No. of sets of tents prescribed for each district	District	No. of sets of tents prescribed for each district.
Dehra Dun	3*	Banaras	3
Saharanpur	4	Mirzapur	3
Muzaffarnagar	3	Ghazipur	3
Meerut	4	Bulhna	3
Bulandshahr	3	Jaunpur	3
Aligarh	4	Gorakhpur	3
Mathura	3	Basti	4
Agra	4	Azamgarh	4
Mainpuri	3	Deoria	3
Etah	4	Lucknow	3
Barailly	4	Unnao	3
Bijnor	3	Rae Baroli	3
Budaun	3	Sitapur	3
Moradabad	4	Hardoi	3
Rampur	3	Kheri	3
Shahjahanpur	2	Faizabad	3
Pilibhit	2	Gonda	3
Farrukhabad	3	Bahraich	3
Etawah	3	Sultanpur	3
Kanpur	4	Bara Banki	3
Fatehpur	3	Pratapgarh	3
Allahabad	4	Naini Tal	3
Banda	4	Almora	4
Hamirpur	3	Garhwal	4
Jhansi	3	Tehri Garhwal	3
Jalaun	2		

*Including Sub-Divisional Officer, Chakrata.

2206

267. The scale of tents sanctioned by Government for officers is given in Appendix 10.

Scale of tents for officers.

B—Carriage of Equipment

Old paras.

268. (1) The prescribed scale for carriage of tents and records **2208**
Carriage of tents and records. by touring officers is given in Appendix 11 and these allowances should, in each instance, be regarded as the maximum ordinarily permissible.

(2) Care should be taken to ensure that every porter and labourer retained in accordance with the above scale is paid his dues at full rates before the touring officer leaves the place ; it is the officer's personal responsibility to see that such disbursements are properly made. Porters and labourers must not be employed in excess of the sanctioned scale. **144(7)**

269. The scale in Appendix 11 includes provision for labourers **2297**
Entertainment of Khalasis. who are employed during the camping season for the pitching and striking of tents, and paid daily wages ; in actual practice, however, one of them, who is usually referred to as a khalasi, is retained throughout the camping season and sometimes longer in order that he may look after the tents and be able to guide others from his experience. The man so retained is paid monthly from non-contract contingencies and this practice is not open to objection, provided that (a) payment is made from the contingent grant, (b) budget allotment is not exceeded, and (c) his employment is temporary and non-pensionable. No khalasi should be employed except as above and none should be entertained in addition to the labourers allowed in Appendix 11 save in those particular cases specially permitted by Government. If a khalasi on the regular district staff accompanies an officer on tour, the number of labourers should be reduced by one. **G. O. no. 1720/III—12-A-46, dated June 10, 1946.**

C—Hiring of Carts

270. (1) The District Officer should at the commencement of **441**
Rates for carts and transport for supplies. each camping season determine the rates of hire to be paid by the month or day, as the case may be. These should be fixed in accordance with the amount that cartmen might reasonably expect to be paid in the open market, with due regard to the size and number of the animals and the capacity of the carts, and rates must not vary with rank of the officer.

(2) These rates should be paid for all carts obtained for any purpose through official agency from the date from which the carriage is engaged by the tahsil or other agency to the date of its discharge, both inclusive, and full hire should be paid for halts.

(3) Carts should be engaged by the month if this can be done without undue hardship to the cartmen. The scale of carts is given in Appendix 11 and in addition a supply cart may also be taken, with the permission of the Commissioner, when touring is in inaccessible tracts where provisions are not purchasable. As camel transport is cheaper its employment should be insisted on where possible in preference to carts, one cart being taken as equivalent to two and a half camels.

NOTE—So far as possible it should be the business of touring officers to look for contractors near their own headquarters and if they have to call on the tahsil for supply of transport facilities, notice should be given.

Old paras. 106

CAMP EQUIPPAGE, TRANSPORT AND SUPPLIES

- 444 **271.** (1) In the matter of casual requirements the following
 Supply of carts and arrangement is recommended ; it requires in-
 telligent supervision :
 payments.

A list should be maintained of carts, the owners of which reside within a radius of 5 or 6 miles from the tahsil. These owners should be called upon in turn to produce their carts when necessary. When a cart has been called up, the date should be noted in the tahsil list and the cart should not be called up again till its turn comes after all other carts on the list have been called up. Books of summons in triplicate should be printed in Hindi, one copy being retained and two being given to the chaprasi, one to be given to the cartman and the other to be signed or marked by him in token of receipt.

(2) Where there are carts which ordinarily ply for hire, these should be employed where possible, resort being had to other carts only when none of those which ply for hire are available.

(3) In all cases the full rate of hire current at the time should be paid.

(4) If carts are taken by the day in order to carry baggage by stages and discharged at a distance from the home of the cartman, half hire should be paid for sufficient days to enable him to return to his home, and double hire should be given for double marches.

- 443 **272.** On no account should carts be impressed for private
 Prohibition on im- purposes.
 pressment for private
 purposes.

D—Supplies

- 444 **273.** The following instructions should be rigidly observed by
 Supplies on tour. touring officers. Commissioners in the course
 of their cold weather tours should see that these
 instructions have been followed :

(1) The practice of keeping a grocer in camp should be discouraged. In some districts his entire elimination may not be possible, but it should be the exception and not the rule to ask a grocer to attend camp ; if his attendance is unavoidable he should be asked to attend only at fixed hours and he should not need to remain the whole day. At most camping places there will probably be a grocer from whose shop supplies should be obtained direct at the prevailing bazar rate. Where there is no grocer's shop, supplies should be taken either from Sadar or from the nearest place where there is a grocer.

(2) Officers must arrange for most of their ordinary supplies from headquarters. When it is necessary to obtain food such as milk and other perishable articles on the spot, officers must arrange to obtain them through their own servants without the aid of a tahsil chaprasi and officers should satisfy themselves that full market rates have been paid.

[III—General Administration Department

CAMP EQUIPPAGE, TRANSPORT AND SUPPLIES

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(3) The tahsil chaprasi *should on no account be employed for the collection of supplies.* He may, however, be employed for purposes of making preliminary arrangements and for calling lekhpals, kanungos, etc., to camp. The number allowed is :

Commissioners and Collectors	..	..	2
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Assistant Magistrates and Deputy Collectors	..		1
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(4) Government considers that the system of obtaining supplies from villages free of charge is undesirable and likely to create misunderstanding and give rise to embarrassing situations. Hence articles required by touring officers for their camps should not be obtained from the villages except in cases where the persons concerned are willing to supply such articles on payment. In such cases payment for the articles obtained should be made at the full market rate. This applies to wood, straw and other articles required for camps when officers are on tour and such articles should not be accepted, except on full payment, even though people may be ready to supply them free of charge.

G. O. no.
764/III—
529-52, dated
February
13, 1952.

(5) The use of metal water vessels will obviate to some extent the necessity for earthen vessels, but if earthen vessels are required the officer himself should determine the number and if necessary inform the tahsildar and no more than that number should be obtained for the camp. When earthen vessels are supplied they should be paid for at full rates, and the potter or one of his family should be encouraged to attend in person and receive payment.

Old para.
444

Chapter XIX—Orders relating to the Armed Forces

A.—General

274. The whole of Uttar Pradesh falls within the U. P. Area, Uttar Pradesh in U.P. the headquarters of which are at Lucknow. Military Area.

275. The U. P. Area is divided into Sub-areas which lie within Territorial distribution the following civil divisions of Uttar Pradesh: of Sub-Area.

(a) The Lucknow Sub-Area with headquarters at Lucknow includes the following divisions :—

- (i) Lucknow.
- (ii) Faizabad.
- (iii) Gorakhpur.
- (iv) Allahabad.
- (v) Jhansi.
- (vi) Banaras.
- (vii) Rohilkhand (less the district of Bijnor).

(viii) Kumaun (less the districts of Garhwal and Tehri-Garhwal).

(b) The Meerut Sub-Area with its headquarters at Meerut includes the following divisions :

- (i) Meerut.
- (ii) Agra, and
- (iii) Districts of Bijnor, Garhwal and Tehri-Garhwal.

276. (1) Regulations for the Army and the Air Force are contained in a set of publications known as "Regulations for the Army in India" and "Regulations for the Indian Air Force" respectively which are Government publications. The instructions issued by the Commander-in-Chief to the Army and the instructions issued by the Commander-in-Chief to the Air Force are contained in two separate sets of publications entitled "Instructions by the Commander-in-Chief". The two sets of publications are being consolidated into two separate books which will be known as the "Regulations for the Army" and the "Regulations for the Air Force" respectively.

(2) Regulations for the Navy are contained in the publication known as "Regulations for the Indian Navy". Regulations for the Navy. There is no publication containing Instructions issued by the Commander-in-Chief to the Navy. The Regulations when revised will be known as "Regulations for the Navy".

B—Liaison with military authorities

277. (1) Commissioners are responsible to ensure that liaison between themselves and District Officers and the military authorities concerned is cordial and complete.

(2) In civil districts in which troops are stationed the District Officer should maintain close personal touch with the Officer Commanding the Station.

(3) There should, when necessary, be direct communication between the District Officer and the appropriate military authority whether it be the Sub-Area Commander, the Brigade Commander or the Officer Commanding the nearest military station.

278. Military recruiting areas do not in all respects coincide with other territorial divisions. Commissioners will inform themselves of the recruiting area in which each district falls and the range of the recruiting officer and District Officers should be similarly informed.

279. District Officers in districts in which troops are stationed will inform the Officer Commanding the Station of any outrage with a political aspect and keep him informed regarding any epidemics and also regarding any crime, or other matters which may occasion or promote public disorder. The above District Officers will invariably supply the Officer Commanding with a copy of their fortnightly report required by paragraph 246 of the Manual of Government Orders.

Commissioners will similarly supply copies of the necessary portions of fortnightly reports to the Sub-Area/Brigade Commanders or the Officers Commanding the Air Force Stations/Units, as may be arranged by them in consultation with those Commanders. The Commissioners will also inform the appropriate Military Commander of any outrages which have a political aspect or any occurrences which may lead to public disorder.

C—Assistance to troops on the march

280. (1) The orders for the Army on the subject are contained in Instructions nos. 865—878 of the "Instructions issued by the Commander-in-Chief". The Sub-Area or the Brigade Commander in whose area the movement originates is responsible for furnishing the itinerary to civil authorities within whose jurisdiction the route lies. He is also responsible for informing them of the strength of the troops, of their probable date of arrival and of various other points where special assistance is required from the civil authorities.

Old paras.
456—465

(2) On receipt of such information the District Officer will immediately inform the Superintendent of Police of the number of troops, the places where they will encamp and when they are expected to arrive.

461

Old paras.

110

ORDERS RELATING TO ARMED FORCES

459

281. The District Officer is responsible for the appointment of a police or Civil Liaison Officer to accompany troops on the march and for providing him with written instructions defining his duties and powers which will be shown by him to the Officer Commanding Troops. The duties of that official include :

- (a) Prevention of the irregular sale of liquor or fruit to the troops.
- (b) Exclusion from the camps or their vicinity of women of loose character.
- (c) Liaison between the Officer Commanding Troops and the subordinate civil authorities and the inhabitants generally.
- (d) General assistance to the Officer Commanding Troops.
- (e) Settlement in communication with the Officer Commanding Troops of disputes with the inhabitants or with the transport establishments engaged by the civil authorities and submission of cases beyond his powers to his superior officer.
- (f) If irregularities committed by the troops are not discovered until they have proceeded beyond the limits of the district in which he is appointed, he will submit a full report of the occurrence to the Brigade Commander for investigation and disposal and send a copy to the District Officer.

447—455

282. Transport will be provided through the Army Service Corps or through contracts made by the Commander, Army Service Corps.

The assistance of the Civil Liaison Officer or of the District Officer may be required :

- (a) in guarding vehicles needing repairs which cannot be moved forward when the column is on the line of march ;
- (b) for local purchase of essential spares urgently needed to make the vehicles roadworthy ; and
- (c) in the event of misbehaviour on the part of drivers of hired transport.

283. (1) Rationing arrangements are made by the Army Service Corps but assistance may be sought for the supply of such things as the following, provided they are locally procurable :

Supplies.

Sheep, fowls, eggs and milk.

Charcoal, wood, grass, straw and bhoosa.

Potatoes and other vegetables, fruits, onions, chillies, salt and oil.

Ghee, gur and sugarcane.

Atta, rice, barley, jawar and other grains.

Indents may be sent on plain paper until such time as a form is prescribed.

(2) When such assistance is required, the Brigade Commander will, if possible, detail an advance party to make arrangements. Indents will be supplied at least a fortnight in advance. The advance party will be responsible for the actual acceptance of supplies, passing in of which should be done in the presence of the civil official. Rejections should only be made when the articles required are unfit for consumption due to their being below the standard usually consumed by the persons or animals for whom they are intended. Supplies which have been accepted by the advance party will not be subject to further passing in, the decision of the Officer Commanding advance party being final. If the supplies become unfit for consumption owing to the late arrival of the unit or to causes outside the control of the supplier, a receipt for the supplies must be granted by the Officer Commanding Unit to the civil official concerned. The Commissioned Officer who takes over supplies from the civil official will furnish the latter with a receipt for the supplies actually received, and will send a duplicate of the receipt to the military authority responsible for the submission of the original indent with a view to the sum advanced to the civil authorities being adjusted by the Controller of Defence Accounts concerned.

(3) When supplies of a quantity inferior to that which might reasonably have been expected are provided, a report to that effect will be made by the Officer Commanding Troops to the District Supply Officer.

(4) If shops can be established on or near the camping ground, articles such as sheep, fowls, eggs, milk, etc., will be retailed by the shopkeepers.

284. In the case of marches due to certain emergency when sufficient notice of the arrival of a Unit in a District cannot be given, or an advance party sent ahead of the troops, and the supplies have consequently to be arranged by the civil authorities in a hurry, the Army Service Corps Officer or in his absence the Officer Commanding Troops should consider before rejecting the supplies, the notice given and the circumstances in which the supplies are purchased, the quality expected in the district and whether the supplies are fit for consumption although below the normal standard.

Ration arrangements in certain emergencies.

In the event of it being necessary to reject supplies on account of unfitness for consumption, the Officer Commanding Troops will furnish the civil officials concerned with statement showing the nature and quantity of supplies rejected and will furnish a duplicate copy of the statement to the military authority originally responsible for making the demand who will arrange with the Controller of Defence Accounts concerned to obtain a refund from the civil authorities in respect of these supplies.

Old paras.

459

285. The Officer Commanding will be accessible to any civil official or inhabitant who desires to lodge a complaint in connection with any matter occurring at a bazar established for the convenience of troops on the march. He will obtain a report each evening from the civil supply official as to whether any claims against the troops remain unsettled and will have such claims settled immediately. The civil official will endorse all receipts given for payments made by the troops and the Officer Commanding Troops will not accept receipts which are not so endorsed.

Bazars on the line of march.

D—Friction between troops and civilians

463, 843

286. If any well-substantiated complaint is received by the District Officer against a Commissioned Officer of the Armed Forces or a detachment of troops, he should immediately inform the Officer Commanding Station (if any) and where necessary also the Brigade Commander. In the case of naval and air force personnel, the information should be sent to Naval Headquarters, New Delhi, or Air Headquarters, New Delhi, as the case may be. In serious cases he should at the same time send a copy of his letter to the Commissioner.

Complaints of injury to civilians received by District Officer.

477

287. When a soldier, sailor or airman seriously injures a civilian the Officer Commanding Unit will report the matter immediately to the Officer Commanding Station and the District Magistrate. The Military authority will at the same time commence a thorough investigation in order to ascertain the facts while the incident is fresh. If the civil authorities investigate the case the Officer Commanding Unit will give them every assistance. The medical officer who first attends an injured person will report forthwith to the civil and military authorities concerned the nature and extent of the injuries and his opinion as to the probable results.

Officer Commanding Unit to report and investigate cases of serious injury to civilians.

844

288. (1) Cases in which there is a reason to suspect that a civilian has been killed or wounded by a member of the armed forces should be investigated by a senior officer appointed by the District Magistrate, or by the Superintendent of Police.

Conduct of civil investigation in cases of injury to civilians by members of armed forces.

(2) Any *post mortem* examination in such cases shall be conducted by the Civil Surgeon personally, and the police should furnish that officer with the information necessary to show him that the case is one in which his personal conduct of the *post mortem* is required.

(3) Whenever a serious affray takes place between civilians and armed forces personnel the District Magistrate shall invariably either proceed himself to the place or at once depute the Superintendent of Police or other senior officer to investigate the matter on the spot at the earliest possible time.

(4) Any magistrate who takes part in the investigation of such a case shall not subsequently try any person accused in respect thereof.

(5) The Officer Commanding the unit to which the suspect or accused belongs shall be informed by the District Magistrate of the result of the investigation, inquiry and trial in every case.

E—Trial of persons subject to military, naval or air force law.

289. (1) Any person subject to the Army Act, 1950, or Air Force Act, 1950, who commits any civil offence shall be deemed to be guilty of an offence under those respective Acts and is liable thereunder to be tried by court martial except in respect of murder, culpable homicide not amounting to murder, or rape, if :

(a) committed against a person not subject to military, naval or air force law, and

(b) not committed while on active service or at any place outside India or any frontier post specified by the Central Government in this behalf.

NOTE—(1) In this paragraph India does not include the State of Jammu and Kashmir.

NOTE—(2) Attention of Magistrates is drawn to the provisions of sections 125 to 127 of the Army Act and sections 124 to 126 of the Air Force Act.

(2) For offences triable by court martial committed by navy personnel reference may be made to the Indian Navy (Discipline) Act (XXXIV of 1934).

Briefly the position is that naval personnel are triable under naval law for any civil offence provided that the offence is committed within what may compendiously be termed naval jurisdiction, for example, in ships/establishments and any property belonging to the Government.

290. The following rules have been made by the Central Government under section 549(1) of the Code of Criminal Procedure, 1898, in respect of cases in which persons subject to military, naval or air force law shall be tried by a court to which the said Code applies, or by court-martial:—

Rules under section 549 Cr. P. C. relating to civil trial of persons subject to military, naval or air force law.

(1) These rules are called the Criminal Courts and Court Martial (Adjustment of Jurisdiction) Rules, 1952, and extend to the whole of India except the States of Jammu and Kashmir and Manipur.

(2) In these rules unless the context otherwise requires :

(a) Commanding Officer—

(i) in relation to a person subject to military law means the Officer Commanding the unit or detachment to which such person belongs or is attached.

Old paras.

817 to 822B

Government of India Ministry of Home Affairs' Notification S. R. O. 709, dated 17th April, 1952.

(ii) in relation to a person subject to naval law means the Commanding Officer of the ship to which such person for the time being belongs, and

(iii) in relation to a person subject to air force law means the officer for the time being in command of the unit or detachment to which such person belongs or is attached.

(b) Competent military authority means the officer commanding the army, army corps, division, area, corps or independent brigade, or sub-area in which the accused person is serving and [except in cases falling under section 70 of the Army Act, 1950 (XLVI of 1950)], where death has resulted, the officer commanding the brigade or sub-area or station in which the accused person is serving.

(c) Competent naval authority means the Commander-in-Chief, Indian Navy, or Flag Officer (Flotilla), Indian Fleet or Commodore-in-charge, Bombay, or Commodore-in-charge, Cochin, or Naval Officer-in-charge, or Senior Naval Officer present.

(d) Competent Air Force authority means the Officer Commanding the command, unit or station in which the accused person is serving, and when death has resulted [except in cases falling under section 72 of the Air Force Act, 1950 (XLV of 1950)], the Commander-in-Chief, Air Force.

(3) Where a person subject to military, naval or air force law is brought before a magistrate and charged with an offence for which he is liable to be tried by a court martial, such Magistrate shall not proceed to try such person or to enquire with a view to his commitment for trial by the Court of Sessions or the High Court for any offence triable by such court, unless—

(a) he is of opinion, for reasons to be recorded, that he should so proceed without being moved thereto by competent military, naval or air force authority, or

(b) he is moved thereto by such authority.

(4) Before proceeding under clause (a) of rule (3) the Magistrate shall give written notice to the Commanding Officer of the accused and until the expiry of a period of seven days from the date of the service of such notice he shall not—

(a) convict or acquit the accused under section 243, 245, 247 or 248 of the Code of Criminal Procedure, 1898 (Act V of 1898) or hear him in his defence under section 244 of the said Code ; or

(b) frame in writing a charge against the accused under section 254 of the said Code ; or

(c) make an order committing the accused for trial by the High Court or the Court of Sessions under section 213 of the said Code ; or

(d) transfer the case for inquiry or trial under section 192 of the said Code.

(5) Where within the period of seven days mentioned in rule (4) or at any time thereafter before the Magistrate has done any act or made any order referred to in that rule, the Commanding Officer of the accused or competent military, naval or air force authority, as the case may be, gives notice to the Magistrate that in the opinion of such authority, the accused should be tried by a court-martial, the Magistrate shall stay proceedings and if the accused is in his power or under his control, shall deliver him, with the statement prescribed in sub-section (1) of section 549 of the said Code to the authorities specified in the said sub-section.

(6) Where a Magistrate has been moved by a competent military, naval or air force authority, as the case may be, under clause (b) of rule (3) and the Commanding Officer of the accused or competent military, naval or air force authority, as the case may be, subsequently gives the notice to such Magistrate that in the opinion of such authority, the accused should be tried by a court-martial, such Magistrate, if he has not before receiving such notice done any act or made any order referred to in rule (4), shall stay proceedings and, if the accused is in his power or under his control, shall in like manner deliver him, with the statement prescribed in sub-section (1) of section 549 of the said Code to the authorities specified in the said sub-section.

(7) (i) When an accused person has been delivered by the Magistrate under rules 5 and 6, the Commanding Officer of the accused or the competent military, naval or air force authority, as the case may be, shall, as soon as may be, inform the Magistrate whether the accused has been tried by a court-martial or other effectual proceedings have been taken or ordered to be taken against him.

Government of India,
Ministry of Home Affairs
S.R.O.
1740, dated
September 22, 1953.

(ii) When the Magistrate has been informed under sub-rule (i) that the accused has not been tried or other effectual proceedings have not been taken or ordered to be taken against him the Magistrate shall report the circumstances to the State Government, which may, in consultation with the Central Government, take appropriate steps to ensure that the accused person is dealt with in accordance with law.

(8) Notwithstanding anything in the foregoing rules, where it comes to the notice of a Magistrate that a person subject to military, naval or air force law has committed an offence, proceedings in respect of which ought to be instituted before him and that the presence of such person cannot be procured unless through

Old paras.

military, naval or air force authority, the Magistrate may by a written notice require the Commanding Officer of such person either to deliver such person to a magistrate to be named in the said notice for being proceeded against according to law or to stay the proceedings against such person before the court-martial if since instituted and to make a reference to the Central Government for determination as to the court before which proceedings should be instituted.

(9) Where a person subject to military, naval or air force law has committed an offence which in the opinion of competent military, naval or air force authority, as the case may be, ought to be tried by a Magistrate in accordance with the civil law in force or where the Central Government has on a reference mentioned in rule (7) decided that proceedings against such persons should be instituted before a Magistrate, the Commanding Officer of such person shall after giving a written notice to the Magistrate concerned, deliver such person under proper escort to that Magistrate.

291. If the offender is in military/civil custody and the offence is triable by court-martial, the Officer Commanding Unit/ Magistrate will take steps to request the prescribed officer to decide the court before which such proceedings should be instituted. The prescribed officer in respect of the force in which the offender is serving is the competent military, naval or air force authority concerned as specified in sub-rule (2) of the Rules reproduced in paragraph 290 above.

Decision regarding court to try court-martial offences.

829

292. If a person subject to military, naval or air force law commits a civil offence which cannot be tried by court-martial, or if, although so triable, the competent authority decides not to so try the offence, his Commanding Officer will at once inform the police and the nearest Magistrate and under the orders of the Brigade Commander or naval or air force authority the offender will be handed over to the civil power for trial. If not so handed over and if his surrender is desired by the civil authorities a requisition with this object should be addressed to the military, naval or air force authority concerned by the senior executive police officer present in the station. If the offence is non-cognizable the police officer should obtain a warrant signed by a Magistrate. The requisition should ordinarily emanate from a police officer not below the rank of an Assistant Superintendent of Police.

Requisition for surrender of offender.

830

293. In the event of arrest by the police of a person subject to military, naval or air force law, the District Officer should give intimation as soon as possible to the officer commanding the Unit (in the case of naval personnel, the Commanding Officer of the ship) to which the arrested person or persons belong, so that the Officer Commanding may adopt in time any measures he may think necessary for their defence,

Defence of persons subject to military, naval or air force law.

294. All cases coming up for trial in the lower criminal courts against persons subject to military, naval or air force law shall be instituted in the court of the District Magistrate or Additional District Magistrate having jurisdiction who will either try the case himself or transfer it to a selected subordinate not below the rank of a Magistrate of the first class.

Civil trial to be held by District Magistrate or selected subordinate.

295. The following are the rules framed by the Government of India for the defence of members of the armed forces charged with criminal offences and prosecuted by Government in civil courts :

Rules for the defence of members of the armed forces.

(a) When any member of the armed forces is to be tried by a civil court upon any criminal charge, the appropriate military authority should consult the District Magistrate, and arrange with him for the selection and remuneration of a pleader, advocate or barrister, as the importance and necessities of the case may require.

(b) Except in cases in which the Government of India are interested the maximum amount that may be paid to the pleader, advocate or barrister is Rs.100 for each day that he appears in the case, on behalf of one or more accused, before a High Court or Sessions Court, or Rs.50 for each day that he appears in the case on behalf of one or more accused, before any other court. These amounts include expenses of every description which counsel may incur. These fees are maxima and should not be paid in every case, but terms should be arrived at for the whole case, omitting, for instance, days on which counsel appears merely to ask for an adjournment. In a joint trial, when the local military authority is satisfied that the accused require different lines of defence, he may authorize the separate payment of fees for each accused so defended.

(c) (i) The amount to be paid to counsel will be definitely settled before hand, subject to the maxima laid down in clause (b). If suitable counsel cannot be obtained for the remuneration admissible under these rules, the case will be reported to superior authority and the orders of Government obtained.

(ii) In High Courts in which counsel may not plead unless instructed by a solicitor, a solicitor may be employed and his bill of costs, which should include counsel's fees [subject to the restrictions laid down in clause (b)], and all other expenses incurred in the case, should be submitted to the Legal Remembrancer of the State Government and his certificate obtained that the amount of the bill is reasonable before it is submitted for the orders of Government.

(d) When counsel is provided for the defence of a member of the armed forces at the first trial in a civil court, counsel can also be provided when considered necessary on appeal, subject to the limitations laid down in clauses (b) and (c).

(e) The term member of the armed forces in clause (a) includes J. C. Os., W. Os., N. C. Os. and Sepoys (and equivalent ranks) when on duty and reservists called up for training or called out for service. It does not include J. C. Os., W. Os., N. C. Os. and Sepoys when on leave, or non-combatants (enrolled) or any other classes not mentioned above. Any special case not specified may be reported to superior authority and the orders of the Government of India obtained.

Copies of judgments (with translation in English if the judgment is in the regional language) will be supplied free of charge on application by the head of the unit or department concerned.

F—Other court proceedings and processes affecting members of the armed forces

296. (1) A unit commander or corresponding authority in the navy or air force will comply immediately with an application from the civil authorities for an escort for a person subject to military, naval, or air force law.

(2) The strength of the escort will be decided by the officer who despatches it, and will depend on the number, offences and character of the prisoners and the duration of the journey.

297. (1) When members of the armed forces are taken under military escort from one station to another to stand trial on a criminal charge they will travel under a warrant furnished by the military authorities, the charge being met from the Defence Services Estimates. Where a member of the armed forces is conducted by a police escort the charge will be civil. The warrant issued in such cases will include the accused.

(2) An individual summoned either as a witness or as an accused to attend a civil court in a criminal case involving the interests of the State, provided that in the case of a witness the facts as to which he is to give evidence have come to his knowledge in the discharge of his public duties, will receive free conveyance at the expense of the Defence Services Estimates, and in accordance with the rules applicable from time to time to individuals paid from those estimates. When such conveyance is provided, a witness may not accept any payment on account of travelling or subsistence allowance from the court. Any fees which may be deposited in the court for the travelling and subsistence allowance of the witness must be credited to Government. If the court in which he gives evidence is situated within 5 miles (or 10 miles in the case of a mounted officer) of his headquarters and no travelling allowance is, therefore, admissible for the journey, he may, if he be not in receipt of permanent travelling allowance, accept such payment of actual travelling expenses as the court may make.

When a witness attends a civil court in his private capacity, he is only entitled to such travelling and subsistence allowance as are ad-

Old para.
805

Expenses for court attendance of members of the armed forces.

missible according to the rules of the court. If the court pays him any sum as subsistence allowance or compensation apart from travelling expenses, he must credit that sum to Government before drawing full pay for the day or days of absence. An individual ordinarily eligible to travel on warrant will be entitled to receive travelling expenses both for the forward and return journeys which will be refunded as soon as such charges are paid to him by the court.

Old paras.

298. (1) When any person subject to military or air force law deserts, his commanding officer will give

Arrest of deserters.

written information of the desertion to such civil authorities as may be able to assist in the capture of the deserter; such authorities may then take steps for the apprehension of the deserter in like manner as if he were a person for whose apprehension a warrant had been issued by a magistrate, and should deliver the deserter, when apprehended, into military or air force custody according to the service to which he belongs.

1117
(Appen. 17)

(2) In the case of a person subject to naval law, a warrant will be issued by the Commanding Officer under section 50 of the Indian Navy (Discipline) Act, 1934, and civil authorities are to act thereon.

(3) Any police officer may arrest without warrant any person reasonably believed to be subject to the Army Act, Indian Navy (Discipline) Act or Air Force Act and to be a deserter or to be travelling without authority, and shall bring him without delay before the nearest Magistrate, to be dealt with according to law (see section 105 of the Army Act, 1950 and section 106 of the Air Force Act, 1950).

299. In a case of desertion by a person subject to military or air force law, the Officer Commanding unit will

Appen. 17

Intimation of desertion.

intimate the civil authorities at once of the place, date of desertion, regimental number, rank, name, unit, father's name, tribe, village, tahsil, thana, district and any distinguishing marks or any other information which will assist in effecting the prompt arrest of the offender.

That information will be forwarded to the local police, to the railway police and to the Superintendent of Police of the district to which the deserter belongs. Reports of the local police will be accompanied by the verification roll (I. A. F. K. 1152), if available, and they will be informed of the date and place of recruitment, and if possible, the name and address of the recruiter.

300. (1) (a) *Commissioned Officer*—A summons in a civil suit against

1300

Service of summons in suits against members of the armed forces.

a commissioned officer must be served direct by the court. The Officer Commanding the unit has no legal authority to receive or serve such summons.

(b) *Soldiers, Sailors and Airmen*—The Officer Commanding the unit will serve on the defendant the copy of the summons received

from the court and after obtaining the written acknowledgment thereon will return it to the court under his own signature. If the defendant authorises any person to act for him such authority will be attached to the copy of the summons returned to the court. If the summons cannot be served it will be returned to the court with an explanation.

(2) Rules regarding the procedure in connection with suits by or against armed forces personnel are contained in the First Schedule to the Code of Civil Procedure, 1908 (Order V, rules 28 and 29 and Order XXVIII, rules 1 to 3).

Old para.

1300

301. Civil courts are enjoined to dispose of all suits for the prosecution or defence of which officers, soldiers, sailors, airmen or reservists have obtained leave of absence, irrespective of the order in which they stand on the register and as speedily as is consistent with the administration of justice. Any complaint as to the non-observance of this rule will be submitted to the State Government.

Where any officer, soldier, sailor or airman, actually serving the Government in that capacity is a party to a suit and cannot obtain leave of absence for the purpose of prosecuting or defending the suit in person he may authorize any person to sue or defend in his stead (Code of Civil Procedure, First Schedule, Order XXVIII, rule 1).

In the case of a Commissioned Officer, or other rank an authority in the following form will be sent to the court in which the case is to be heard :

“Whereas I (name) inhabitant of village.....
pargana.....in the district.....
son of at present of rank.....
in company regiment.....stationed
at.....having occasion to institute (or defend)
an action for (nature and object of suit and name of adverse
party), do hereby nominate and appoint(name, residence, occupa-
tion and relationship, if any) to be my attorney and I bind my-
self to abide by whatever he, the said attorney, may do on my
behalf in the prosecution (or defence) of the said suit. The said
attorney will either prosecute(or defend) the suit in person, or will
appoint one or more of the authorised vakils of the court to pro-
secute (or defend) the same under the instructions of the said
attorney, as he may think proper. In the event of an appeal
being preferred from the judgment passed in the suit, the said
attorney is hereby empowered to act for me on the appeal in a
like manner as in the original suit.

Signature.....

Signed in my presence.....

Officer Commanding.’

A power of attorney to institute or defend a suit executed by an officer or other rank in military employ is not chargeable with any court-fee (Act VII of 1870, Section 19, Clause 1).

302. When a person subject to military, naval or air force law obtains or applies for leave of absence for the purpose of prosecuting or defending a civil suit, he will be given a certificate by his Commanding Officer as provided by Section 32 of the Army Act and Air Force Act, respectively, and which he will present in person to the court. If the case cannot be disposed of within the period of leave granted, the civil officer concerned may grant leave for such period as will admit of the receipt of a reply to an application to the Officer Commanding unit for the necessary extension of leave. The civil officer will report to the Officer Commanding unit any grant of leave sanctioned by him.

303. (1) Under sections 28 and 29 of the Army Act and Air Force Act persons subject to either of those enactments enjoy the following immunities in respect of decrees passed by civil or revenue courts :

(a) Exemption from seizure of arms, clothes, equipment, accoutrements or necessities ;

(b) Exemption from seizure of any animal used by a person subject to the Army Act for the discharge of his duty ;

(c) Exemption from attachment of pay and allowances and any part thereof ;

(d) Exemption from arrest or debt under any civil or revenue process so long as he belongs to the said forces .

(2) Under section 97 of the Indian Navy (Discipline) Act, 1934, every petty officer or seaman belonging to any ship of the Indian Navy is exempt from arrest for debt unless the debt was contracted when he did not belong to the Navy or unless the necessary affidavit or memorandum in that connection is furnished in accordance with requirements of the section.

In the case of naval personnel, not being officers, a special provision is provided in section 98-A of the Indian Navy (Discipline) Act, 1934, for enforcement of orders for maintenance of families.

304. (1) Reports of the conviction by criminal courts of reservists who are sentenced to imprisonment for a term exceeding three months, should be sent by the court passing sentence to the Army, Naval or Air Headquarters, as the case may be.

Conviction of reservists and pensioners.

Old paras.

933 and 1448

(2) When a military pensioner is sentenced to imprisonment by a criminal court, the facts of the case should be reported without delay direct to the Controller of Defence Accounts (Pensions) in order that it may be considered whether the pension should be forfeited wholly or

only for the period of imprisonment, or whether it should be reduced in amount. The report should contain information regarding the nature and circumstances of the offender's crime and the term of imprisonment to which sentenced.

(3) When a convict is found to be a reservist or military pensioner without the fact having been made known to the convicting magistrate, the superintendent of jail should report the circumstances to the district magistrate who will then send intimation in accordance with the above instruction.

G—Manoeuvres, field-firing and artillery practice

305. (1) The duties of a District Officer in connection with manoeuvres are laid down in "The Manoeuvres, Field firing and Artillery Practice Act V of 1938".

They include the giving of suitable assistance in the choice of a suitable site and the assessment and payment of compensation.

(2) Rules on these and kindred matters are to be found in the rules published in notification no. 293,4)111—38, dated January 28, 1941, reproduced in Chapter LXXV of the Revenue Manual.

306. (1) In order to avoid hardship to the inhabitants and the difficulty in finding tracts of land large enough for artillery practice with live shells, the commissioned officer in charge of practice in consultation with the local civil authorities will arrange for as small an area to be cleared as will be compatible with efficient training.

(2) Within a notified area as defined in section 10(2) of Act V referred to in paragraph 305, an officer in charge of artillery practice may carry out artillery shooting from one "danger zone" into another, i.e., guns sited in an area declared as a "danger zone" may fire into a target area (another danger zone) over an intervening uncleared area inside the "notified area" provided that --

(i) only direct action fuses are used ;

(ii) no gun is fired from a position closer to a classified road or railway than the safe distance laid down for the equipment used.

(3) The firing of live ammunition in any area which is not Government land will be settled by the military officer in consultation with the civil authorities and the inhabitants of the area.

307. To obviate risks and to prevent accidents from villagers picking up live shells fired by artillery at field practice the following procedure should be strictly followed :

Unexploded shells.

At the time of such practices villagers should be instructed to inform the village chaukidar whenever any unexploded shell is found ;

the chaukidar should place the shell under guard and send information to the police station. The police will at once convey all such reports to the military authorities concerned.

II—Soldiers', Sailors' and Airmen's Board

308. The Indian Soldiers', Sailors' and Airmen's Board is the central organization and is located in New Delhi. There is a State Board at the headquarters of each State and in Uttar Pradesh there are also District Boards at nearly all district headquarters.

309. The State Board in Uttar Pradesh is designated the U. P. Soldiers', Sailors' and Airmen's Board and its principal functions are :

G. O. no.
435(2)/1 B—
27-SB/48,
dated June
27, 1950.

(a) Co-ordinating the work of District Soldiers', Sailors' and Airmen's Board in the State, and their administration in accordance with the rules and instructions prescribed by the Indian Soldiers', Sailors' and Airmen's Board.

(b) To promote measures for the welfare of ex-servicemen and the families of serving soldiers and deceased personnel.

(c) To disseminate information to the general public regarding the armed forces in the country and to take measures to rouse an intelligent interest in the armed forces among members of the general public.

(d) To represent and explain to the civil authorities all matters of particular interest to the military classes which require the attention of the State Administration.

(e) To assist all ranks of the military services in bringing their legitimate wants and difficulties to the notice of the appropriate authorities through the medium of the District Soldiers', Sailors' and Airmen's Boards.

(f) To work in close liaison with the Regional Directorate of Resettlement and Employment, Uttar Pradesh, and the Trustees of the Uttar Pradesh Post-War Services Reconstruction Fund Trust in promoting schemes for the settlement of ex-servicemen in employment and other occupations, for the establishment of co-operative societies and other measures initiated for the benefit of ex-servicemen.

(g) To maintain liaison with the military authorities and bring to their notice matters affecting ex-servicemen which require attention.

310. (1) The working unit of the organization is the District Soldiers', Sailors' and Airmen's Board which is usually located adjacent to the District Magistrate's office and which functions through an Executive Committee consisting of the following members :

G. O. no.
1391/S.B.
1950,
dated May
18, 1951.

(a) *Ex-officio President*—District Magistrate of the district.
Ex-officio Members—The Military Member detailed by the R. O. of the Area concerned (*Ex-officio* Military Vice-President).

The District Planning Officer.

The Superintendent of Police.

The District Medical Officer (Civil Surgeon).

The District Inspector of Schools.

The District Prantiya Rakshak Dal Officer.

The Deputy Collector or Sub-Divisional Officer in charge of the office of the District Soldiers', Sailors' and Airmen's Board concerned.

The District Medical Officer of Health.

The Chairman of the District Board concerned.

The District Employment Officer or the Employment Officer of the Employment Exchange concerned.

The District Panchayat Officer.

The Secretary of the District Soldiers', Sailors' and Airmen's Board concerned as Secretary.

(b) *Nominated Members*—All Members of the State Legislative Assembly and Council of the district and area concerned.

One member (ex-serviceman) from each tahsil in the district or area concerned.

A local representative of the U. P. Post-War Services Reconstruction Fund Trust, if any.

(c) The nominated members will be appointed by the *ex-officio* members of the Board concerned.

(d) The President may also invite to any meeting any other officer of any Government department, who is competent to advise on any subject under consideration of the Executive Committee of the Board.

(e) It would be desirable to invite a prominent lawyer, a prominent medical practitioner and a prominent businessman to join the Board as they are likely to be of assistance to ex-servicemen in the matters like giving free legal advice, medical treatment, employment, etc.

(2) Meetings of the Executive Committee are held quarterly or monthly, as necessary.

(3) No fee or subscription is charged for membership of the Board, but efforts should be made to raise voluntary subscriptions from the members to meet expenditure on annual and other social functions of the Board for which no funds are otherwise available.

(4) The term of the nominated members of the Board will be two years in the first instance with effect from the date on which the Board is constituted.

311. If in any district there is large number of ex-servicemen and families of serving personnel, the Board for Tahsil Sub-Committee, that district may consider the desirability of forming Sub-Committees of the Board in each of the tahsils or group of tahsils to assist the Board in discharging its functions.

312. The District Soldiers', Sailors' and Airmen's Board will work under the general control and supervision of the State Soldiers', Sailors' and Airmen's Board, and will be responsible—
Functions of the District Soldiers', Sailors' and Airmen's Board.

(a) To disseminate information to the general public regarding the armed forces in the country and constantly endeavour to promote and maintain a feeling of goodwill between civilians and service personnel and ex-servicemen.

(b) To watch over the welfare of families of servicemen and of ex-servicemen and to assist them in representing their cases to the local administration or Defence authorities.

(c) To give all possible assistance to the President of the Board in his capacity as head of the district in all administrative matters connected with the ex-serviceman and his family or the families of serving and deceased men.

(d) To give due publicity to the existence of various concessions and charitable funds for the benefit of ex-servicemen, their dependants or families of serving and deceased personnel.

(e) To assist the Recruiting Staff in recruiting for the Armed Forces.

(f) To render assistance to the U. P. Post-War Services Reconstruction Fund Trust in the working of schemes, etc., launched by them in the district.

(g) To procure legal advice in the case of a law suit against an absent serviceman, where there is no male member of his family present.

(h) To assist and encourage the settlement of disputes out of court.

(i) To assist ex-servicemen and their dependants in securing medals, pensions, arrears of pay, bonus and other dues, etc.

(j) To ascertain and intimate the whereabouts of an absent serviceman to his dependants and to communicate to him news of all important matters affecting his family's welfare.

(k) To assist an absent serviceman's family in the event of disease or famine.

(l) To investigate cases of ex-servicemen invalidated out of the armed forces for chronic disease such as Tuberculosis, Leprosy, Diabetes, etc., and to arrange for their medical treatment in sanatoria or hospital or hospitals or to obtain grants for their medical after-care at home.

(m) To investigate applications for relief from the various military charitable funds and for educational concessions from the State Government and the U. P. Post-War Reconstruction Fund Trust Schemes.

(n) To keep a watch on the adequacy of the number of pension paying branch post offices and if there is need for more such offices, to bring the fact to notice.

(o) To communicate information regarding employment facilities in training for civilian vocations and similar concessions to discharged men.

313. District Soldiers', Sailors' and Airmen's Boards are a part of the civil administration and are under the direct control of their Presidents, i.e., the District Magistrates of the district concerned. Military members will, therefore, render every possible assistance to the President in the administration of the Boards.

G. O. no.
4998/III—
—60-41,
dated
November
28, 1941.

314. Government desire that greater use should be made of the agency of District Soldiers', Sailors' and Airmen's Boards for the settlement of disputes of ex-service personnel or their families by means of persuasion, compromise or arbitration and District Officers should try and use the Boards for this purpose.

G. O. no.
2771/III—
123-47,
dated June
27, 1947.

315. The subject-matter of a considerable proportion of petitions sent by ex-service personnel to Units and Regimental Centres bears no relation to such matters as pensions, relief and distress, etc., which are normally dealt with at such centres; those petitions have, therefore, to be forwarded to the correct authority for disposal which results in additional labour and delay. Examples of petitions wrongly addressed to military centres are applications for ration permits, requests for interference in legal cases and requests for assistance in defraying marriage expenses. The correct method of submission of petitions by ex-service personnel or their families is to address them to the petitioner's local District Soldiers', Sailors' and Airmen's Board, who will, on receipt, scrutinize and pass on the petitions to the correct authority for disposal. Local Boards should see that this instruction is generally known among ex-service personnel and their dependants.

I—Service by Government servants in the Territorial Army

316. Every able-bodied person domiciled in India is eligible for enrolment in the Territorial Army, provided that he is not less than 18 years and more than 35 years of age, is found to be physically fit and is not otherwise disqualified. Government servants are eligible for enrolment in urban units only.

G. O. no.
3517/III-
229-1949,
dated
August 25
1951.

Persons eligible for enrolment.

The upper age limit will be —

(a) 45 years in the case of Line of Communication Signal (P & T) units.

(b) 40 years in the case of Electrical, Mechanical and Engineering units.

The upper age limit may be relaxed by the Commander-in-Chief in the case of ex-servicemen and civilians possessing technical qualifications.

The physical standards are given in the statement in Appendix 12.

317. The occasions on which members of the Territorial Army can be called up for military duty are as follows:

(a) For training or to attend a course of instruction.

(b) To act in support of the civil power or to provide essential guards.

(c) When embodied for supporting regular forces.

318. The Territorial Army in Uttar Pradesh at present consists of a "Provincial Unit" and a number of "Urban Units" located at important towns. A "Provincial Unit" is recruited mainly from rural areas and has training annually in camp for a period not exceeding two calendar months in each year. An "Urban Unit", on the other hand, is recruited mainly from a town. Members of the Urban Units have to undergo recruit training for 32 days and thereafter annual training for a period of not less than 30 days and not more than 60 days. Recruit as well as annual training can, in the case of Urban Units, be carried out on a part-time basis in the morning or in the evening outside normal office hours, except when embodied for camps of not less than four consecutive days. The period spent in camp may, however, be extended up to a maximum of fourteen days in all, provided that in so far as the additional period beyond the initial period of four days is concerned, the individual volunteers obtain the written consent of his employer, if any.

Training in Provincial and Urban Units.

319. Rules promulgated under the Territorial Army Act, 1948, provide that no person in the service of the State Government can be enrolled unless he has obtained permission from Government to enrol and also a certificate to the effect that his service will forthwith be made available for service in the Territorial Army whenever required. Applications from Government servants to join the Territorial Army,

Applications and permission for enrolment.

should be forwarded by the Head of Department to Government in the administrative department concerned together with his recommendation in each case as to whether or not the applicant should be permitted to apply and whether the required certificate should be given. Applications will be forwarded or withheld by the Government according to merits of individual cases, and Government's decision will be communicated to the applicant in either case.

320. Government have decided that only junior officers with about two or three years' service to their credit who are not holding any key post and who are not likely to hold any key post for the next several years, should be permitted to join the Territorial Army. Police Officers will not, in any case, be permitted to join the Territorial Army as they cannot be spared from their normal duties.

321. During the period of their training Government servants will receive pay and allowances according to their rank. Military pay and allowances received by the Government servants will be in addition to their civil emoluments. During the period spent in camp, which will be of very short duration, the absence of Government servants from their civil posts should be treated as special casual leave; and they should be allowed to receive their civil pay and allowances in respect of this period in addition to the pay and allowances which they might receive from the Defence Services Estimates.

322. Whenever Government servants who are members of the Territorial Army are called up for military duty in aid of the civil power or for supplementing or supporting the regular armed forces during actual war, their absence from their offices should be treated as duty for purpose of civil leave and pension. If a Government servant is on an incremental scale of pay he will count his military service for increments in the time scale of pay applicable to him in his civil post and also towards civil pension, in the same manner as if he had put in that period of service in his appointment. As regards leave, they will continue to be governed by civil rules applicable to them before their transfer to military service. Under rule 36 of the Fundamental Rules and Article 86 of the Civil Service Regulations, acting promotions may be made in place of Government servants who are called up for military duty in the above circumstances.

NOTE—(a) The Government of India have decided that the periods spent in attending a course of instruction; which vary according to the nature of the course, should also be treated as duty in the same way as Government servants would be treated when embodied for supporting or supplementing the regular forces. Persons sent on a course of training would be "embodied" and are, therefore, governed by the terms of the foregoing paragraph.

(b) In connection with the sending of personnel to attend courses of instruction, the following points should be noted:—

- (i) It is purely voluntary on the part of the individual concerned whether to attend a course or not; and
- (ii) The prior permission of the head of his office will be necessary before an individual gives his assent to proceed on a course, and it will be open to the head of the office concerned to refuse such permission if he considers this necessary in the public interest. Ordinarily, however, such permission should be granted.

G. O. no.
3517/III -
229 - 49,
dated
August 28,
1951.

323. Government servants whose rates of pay at the time they are called up for military duty are higher than the military pay and allowances to which they would be entitled in respect of military duty, will receive pay at the civil rates under their next below rule and the difference between civil pay and allowances and military pay and allowance shall constitute a charge against the ordinary head of expenditure to which the civil pay of the individual concerned is debitable.

324. At the time of actual recruitment/commissioning an individual may be required to report for interview or medical examination. The period of absence on this account should be treated as casual leave or to the extent that casual leave is not due, as special casual leave.

325. The travelling allowances to State Government servants for journeys to attend interview/medical examination in connection with Commissions in the Army will be paid by the army authorities from the Defense Services Estimates in accordance with rules laid down from time to time.

326. Government trust that the enrolment of Government servants in the "Urban Units" of the Territorial Army will be encouraged so far as the above conditions permit and that every effort will be made to release men for annual training.

J—Miscellaneous

327. The use of troops in aid of the civil power is governed by separate confidential instructions.

328. Restrictions on the use of land in the neighbourhood of works of defence may be imposed by the Indian Works of Defence Act (Act VII of 1903).

District Officers are responsible for making themselves acquainted with their duties under this Act.

Notifications imposing restrictions are to be found in Volume I of "Local Rules and Orders" and in the supplementary volumes issued thereto.

Copies of such notifications and a memorandum as to such local works should be kept with the confidential records.

329. When a person, who has ceased to serve in the Armed Forces, loses a medal the circumstances of the loss will, if he is in Government service, be investigated by the officer under whom he is employed, and if not so employed then by the nearest civil officer. The investigating officer will forward the result of his investigation with his opinion as to the

Old paras
548-550

Old paras. degree of blame attached to the claimant to the Officer Commanding Unit to which the person belonged when the medal was granted, who will verify the claim and dispose it of. The circumstances attending the loss of a medal by a person who has not served in the Armed Forces will be investigated by the nearest civil officer, who will forward the application with an accurate description of the medal and clasp to the Assistant-in-Charge, Medal Section, New Delhi.

480

330. (1) Verification rolls of 'other ranks' and candidates for commissions are forwarded by the military authorities to the Superintendent of Police and the District Magistrate/Deputy Commissioner concerned, respectively.

(2) The verification of the character and antecedents will be carried out by responsible staff, who should be careful in giving their reports. Such reports will, however, require invariably the counter-signature of a gazetted officer, who must satisfy himself as to the correctness of the report before countersigning it for onward transmission.

(3) The verification rolls in the case of candidates for commissions are also required to be routed through the Criminal Investigation Department authorities.

1344

331. Every reasonable facility for attending their periodical training should be given to reservists so that they may be kept in a state of efficiency. All reservists in Government employment, except as specified below, should be given leave for the period for which they are required for training, on condition that they may be called upon to furnish a substitute, if required to do so.

In the undernoted posts, however, leave will only be given when convenient:

(a) Men employed on railways, in posts requiring technical knowledge or training such as postmen, signalmen and gangmen.

(b) Forest Guards.

1315

332. The period during which reservists are withdrawn from their civil duties for training with their units may be treated as duty qualifying for leave under civil rules; the time spent by them in journeying between their stations and the place of training being also treated as duty qualifying for leave under civil rules.

333. Initial inquiries in respect of military (family) pension claims will be addressed by the Officer Commanding the unit, depot or department concerned to the District Officer. All further inquiries which arise after the claims have reached the Controller of Defence Accounts (Pensions) will be addressed by the Controller to the lower civil authorities concerned, e.g., the tahsildar.

G. O. no.
4989/111—
87-41, dated
January 21,
1941.

Correspondence
regarding military
(family) pension claims.

ORDERS RELATING TO ARMED FORCES

131

334. Civil disbursing officers should see that all claims on account of defence expenditure are paid as soon as incurred and that all payments are brought into their accounts at once.

old para.
1446

Prompt accounting and recording of defence expenditure.

335. (1) The Government of India have decided that recovery of debtor balances in the pay accounts of deceased Commissioned Officers (other than Junior Commissioned Officers) will be enforced only if the deceased has left dependants and a net estate of more than the prescribed limit* in value, or if he has left no dependants up to the extent the value of the estate permits. For this purpose it is necessary that District Officer should verify the following :—

G. O. no.
947(1)/111—
29/46,
dated May
11, 1946
and
G. O. no.
2004/111—
29/46,
dated July
16, 1946.

(a) whether a deceased Commissioned Officer has left a widow or other dependants ;

(b) the net value of the estate.

The State Government have agreed to the Government of India addressing the District Officers concerned direct in order to obtain this information.

(2) District Officers should ordinarily be able to furnish such information from the sources open to them but in the case of estate left in the shape of a business or investment the widow or next of a kin should also be asked to produce documentary evidence about the net value of the estate left by the deceased.

*Rs. 15,000 for a period of five years from 1-1-1952.

Chapter XX—Instructions relating to Post Offices, Telegrams, Telephones and Broadcasting.

A—Post Offices

- Old paras. **2386** **336.** The establishment of new post offices and telegraph and telephone lines is wholly in the hands of the postal department and officers desiring extensions should state their proposals fully to the head of their department who will, if he deems fit, submit them to Government with his remarks. Government will then consider whether such proposals should be supported to the Post Master General.
- 2387** **337.** Whenever it is necessary to obtain any information from the records of any post office in India such information shall, on the application of a Secretary to Government, be given by the chief postal authority to whom the post office is immediately subordinate.
- 2388** **338.** Attention is drawn to the provisions of clauses 352 (b) and 352(c) of the Posts and Telegraphs Guide reproduced below :
- G. O. no. 6788/III—503(22)-50, dated December 26, 1951.
- Service covers.**
- “352(b) Official postal articles, whether the postage is prepaid or not, must bear the superscription ‘On Government of India Service’ or ‘On Service’ and this must be supported by the signature and official designation to be entered in the lower left hand corner of the article of the officer who sends the article, or of the Head Clerk or Superintendent of his office or other responsible officer to whom the duty of despatching is confided.”
- “352. (c) Service stamps affixed to, or impressed or embossed on, or impressions of stamping machines taken on an article which does not bear the prescribed superscription supported by the signature and official designation of the sender will not be recognised by the post office in payment of postage.”
- In view of the above, care should be taken in the office of origin to write the superscription, signature and designation of the sender on the envelopes or covers as omission of these particulars will result in the correspondence being treated as bearing articles on which postage has to be realized. Heads of Offices should give the necessary instructions to ensure that these requirements are complied with by despatchers and staff concerned.
- 2390** **339.** It is left to the discretion of each head of an office to decide (subject to the approval of the Head of the Department) for what class of communications post cards should be used. As a general rule only routine matters should be referred to in them ; but with this limitation, and as far as each departmental head allows, full use should be made of post cards as a measure of economy.
- Use of post cards.**

INSTRUCTIONS RELATING TO POST OFFICES, TELEGRAMS, 133
TELEPHONES AND BROADCASTING

340. Obtaining postal certificates for dak despatched to officers frequently involves unnecessary expenditure on postage. Hence certificates of posting should only be obtained when actually essential. Old paras

Certificates of posting.

341. Government officers are bound to receive and to pay any postage due on articles addressed to them under the superscription 'On Government of India Service' and under the signature of the sender. 2389

Postage due on official correspondence.

B—Telegrams and Telephones

342. As a general rule State telegrams should be sent in the 'Ordinary' class, and messages should be classed as 'Express' only— 2392

State Telegrams.

(a) in cases of great emergency, or

(b) in cases where the despatching officer knows that the line is blocked and considers his message sufficiently important to take precedence over ordinary traffic.

343. (1) As telegrams received after office hours are normally dealt with on the next working day and in order to reduce telegraph traffic, officers should whenever possible, use Express Delivery Letters instead of telegrams. The latter should only be sent when really necessary. 2393

Economy in use of telegrams.

G. O. no. 2161/Π1—510(7)-43, dated August 8, 1944.

(2) State telegrams should, except when extreme precision is important, be expressed in as few words as possible; mere auxiliary or connecting words, which can obviously be filled in by the receiver, should be omitted. In particular, addresses and references to previous correspondence should be curtailed and the following instructions are given for telegrams addressed to Government :

G. O. no. 7864-M/XX—302(5)-50, dated November 27, 1950.

(a) The name of the department should not be given in the address. G. O. no. 2205-M/XX—302(5)-49, dated April 25, 1951.

(b) All telegrams should be addressed only to the Secretary of the department.

Telegraphic addresses have been registered for the following :

Chief Secretary UPAO.

Secretary to Government, Medical and Public Health Departments .. . UPAOHEALTH.

Secretary, Food and Civil Supplies Department .. . CIVIL.

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Secretary, Finance Department	..	FINANCE.
Home Secretary, Uttar Pradesh	..	HOMEUP.
Secretary, Public Works Department	..	WORKSUP.
Secretary to Government, Uttar Pradesh, Local Self-Government and Municipal Departments		LOCALSELFUP.
Commissioner, Food and Civil Supplies, Uttar Pradesh		FOODSUP.
Food Production Commissioner	..	PRODCUM.
Director of Information, Uttar Pradesh	..	INFORMAUP.
Director of Economic Intelligence and Sta- tistics, U. P.		DISTATISTICS.

For other Secretaries the address should be "Revenue Secretary, Government, Lucknow", and so on.

(c) Reference to a letter under reply if not signed by the Secretary himself should be given by mentioning the name of the officer who signed the letter.

2394 (3) The practice of including in the text of state multiple telegrams the designations of all the officers to whom the telegram has been repeated should be avoided. In such cases it is not necessary to inform each officer that the telegram has been repeated to the other, for it may safely be presumed that the specific orders prescribing procedure have been obeyed or the usual practice followed.

2395 (4) Telegrams should never be sent in cases where a letter would serve the same purpose equally well. Controlling officers should check the despatch of unnecessary telegrams, and all authorities who receive periodical reports by telegrams should from time to time consider whether submission of the reports by letter would not be sufficient.

G. O. no.
1485/11-A
33-I-49,
dated June
11, 1949.

344. The abbreviations "Distrato" or "Depcom" should not be used in State telegrams, but the words "Collector" or "Deputy Commissioner" should be used in telegrams to those officers. The terms "Distrato" and "Depcom" may, however, continue to be used in wireless messages.

2396 **345.** Communications regarding applications from officers for leave of absence, or for appointments, are very rarely required in the public interest and messages relating to such matters should not be sent at Government expense, unless it is known without doubt that such communication is required in the interest of the public service. If an officer seeking leave or applying for an appointment, desires to receive a reply by telegraph, he should pay for the reply himself.

**Telegraphic addresses
of District Officers.**

**Telegram in officer's
private interest.**

INSTRUCTIONS RELATING TO POST OFFICES, TELEGRAMS, 135
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G. O. no.
1995/III—
538(1)-43,
dated July
12, 1943.
G.O. no.
431/III—
503(24)-56,
dated
October 11
1952.

Old para.
2397

The Accountant General, Uttar Pradesh, has been authorised to recover the cost of telegrams of a private nature sent at Government expense from the officers concerned direct in cases in which he considers it proper to do so. He is required to furnish Government with an annual statement showing misuse of service postage stamps by Government Officers.

346. (1) "Foreign State Telegram" means a foreign telegram sent in his official capacity by a Government official so authorised. Foreign telegrams classed "State" should bear the service instructions "India Government". Such telegrams, if tendered by persons not so authorised, will be

**Instructions regarding
foreign State telegrams
and priority indications.**

treated as private telegrams. The Government officials who are authorised to send "Foreign State Telegrams" may also send "Letter Telegrams" bearing the service instructions "LTF" at the rates under the conditions prescribed for "Letter Telegrams" but such telegrams will be treated in every respect as private telegrams though they may be paid for in service postage stamps.

A list of officers of the State Government authorised to send foreign State telegrams is given in Appendix 13.

(2) A foreign State telegram will be allowed priority in transmission provided that it bears the service instructions "with priority" written by the sender. Such telegrams will be transmitted immediately after telegrams relating to safety of human life at sea or in the air, which bear the indication "SVH" written by the sender or by the office of origin, as service instruction, warranting absolute priority. A foreign State telegram, in plain language or in code or cypher, which bears no service instruction "with priority" written by the sender will be transmitted like an ordinary private foreign telegram.

In the case of foreign State telegrams by the inland routes, the appropriate priority indication necessary for the inland route portion of the transmission should also be indicated as usual in addition to the instructions "with priority". The various classes of priority for inland routes are "Most Immediate", "Operations Immediate", "Immediate" and "Important". Only those officers who have been specifically authorised to originate telegrams with the above classes of priority will be entitled to mark the appropriate priority indication. If a foreign State telegram is marked only "Most Immediate" or "Operations Immediate" or "Immediate" or "Important" it will get the requisite priority up to the Indian Frontier Station and if marked only "with priority" the telegram will obtain priority after "Important with priority" foreign State telegrams on inland routes.

All Officers should bear these instructions in mind.

347. The Police officials specified in the list in Appendix 11 are authorised to send special police telegrams solely in emergent matters of direct importance to Government and subject to rules and regulations in force.

D. G. P. and
T. Circular
no. 51,
dated
March 19,
1952.

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Special police telegrams take priority with telegrams classed "Important" and should bear the indication "Special Police". The charge for such telegrams is double the rate for "Express" telegrams but the indication "Special Police" is signalled free. In all cases payment for the telegram must be made in cash or in service postage stamps as soon as it is handed at the telegraph office.

Old para.
2398

Government
endorsement
no. 8894/
III—510(3)-
47, dated
January
19, 1950.

Government
endorsement
no. 6354/
III—503(15)-
51, dated
September
29, 1951.

Government
endorsement
no. 2730/III-
503(15)-51,
dated June
19, 1952.

348. (1) The officers specified in the list given in Appendix 15 are authorised to use the priority indications there mentioned for State telegrams and telephone trunk calls solely on emergent matters of direct importance to Government and subject to the rules and regulations in force.

(2) The power to use any priority indication in telegrams and telephone trunk calls shall not be delegated and a priority telegram signed "by order" or a priority telephone trunk call booked "by order" will not be accepted except in cases specified below :

(a) An indication authorised for use by any particular officer may be exercised by that officer's immediate deputy (and no one else) when the authorised officer is away from headquarters, and

(b) In exceptional circumstances any officer may use any degree of priority he considers necessary but he is to report his action to his superior stating the circumstances and will be held personally responsible that his action was justified.

NOTE (1) High priority trunk calls should be booked only by officers authorised to use such priority and must be restricted to uses of real emergency only.

NOTE—(2) Whenever any officer has in exceptional circumstances of extraordinary emergency occasion to book a priority call to which he is not entitled, the call will be booked but, in every case his superior officer will be required to furnish a certificate justifying the call. The rank or the designation of the superior officer will be ascertained and entered on the trunk call ticket at the time of booking. The caller will also be asked to take steps to send the certificate to the officer in charge of the exchange within a week of booking. A register will be maintained by the exchange in respect of all such calls to see that the certificate is received within the prescribed period. A monthly extract of this register with particulars of calls will be sent to the head of the circle who will scrutinize the list and take steps to see that the privilege was justifiably used in an extraordinary emergency.

349. (1) There are two methods of dealing with telegrams :

Interception of objectionable telegrams.

(a) On the occurrence of any emergency or in the interest of public safety any telegram or class of telegrams may be intercepted or transmission withheld by an order passed under section 5 (i) (b) of the Indian Telegraph Act, 1885. Such an order can only be passed by—

(i) the Central Government,

(ii) the State Government or

(iii) any Officer specially authorised in this behalf by the Central Government.

(b) Telegraph Offices may under rule 15 or rule 180 of the above Act refuse to accept or forward any inland or foreign telegram or part of a telegram which is objectionable or alarming in character. In such a case the Telegraph Office may refer to—

(i) the District Magistrate in the case of all telegrams not relating to military matters and received elsewhere than at the headquarters of Government ;

(ii) the Chief Military Officer in the case of telegrams relating to military matters and received elsewhere than at the headquarters of Government ; and

(iii) a Secretary to Government in the case of telegrams whether civil or military received at the headquarters of Government. In this last mentioned case the local District Magistrate has been empowered to act.

District Magistrates to whom such references are made must remember that their function is to give *advice* and that interception can only be ordered when duly authorised under the Act.

NOTE—Copies of objectionable telegrams otherwise withheld from transmission may ordinarily be permitted to be sent to members of the State or Central Government if also addressed to them provided that where deemed necessary the address of the sender is scored out before transmission.

(2) Reference made by Telegraph Offices under the above rules are made on Form no. T. I. 81 which summarises the law and rules on the subject.

350. (1) Rules for the installation of telephones in Government buildings are contained in paragraph 40 of Appendix X of Financial Handbook, Volume V, Part I. It should be noted that under that paragraph the previous sanction of Government has to be obtained for the installation and intimation given by Government that the necessary funds have been allotted. Such sanction *by Government* is required for every installation except where authority has been delegated as given in the Note below that paragraph.

(2) The allotment of priority for the installation of telephone connections required for the officials and offices of the State Government at places other than Lucknow is sanctioned by Divisional Commissioners in districts which are their headquarters and by the District Magistrates in other districts. The priority of telephone connections required for officials and offices at Lucknow is allotted by Government themselves.

G. O. no.
4251/III—
310(3)/48,
dated July
7, 1948.

351. Telephone bills of Civil Government subscribers are paid by book transfer if the amount exceeds Rs.25 and are paid in cash or by cheque if the amount is Rs.25 or less.

Government
Endorsement
no. 4479/
III—510—
51, dated
August 18,
1952.

Where a telephone bill is received for an amount in excess of Rs.25 it is for acceptance and to be passed for payment by book transfer by the Head of the Office in the form printed on the reverse of the bill. Where a charge for private trunk calls is included in such bills it is to

be similarly accepted and paid by the Head of the Office, in the first instance, and then the amount due for the private call or calls is subsequently realized from the officer concerned and recouped to Government by deposit under the relevant head.

In the case of bills not exceeding Rs.25 payment is to be made in cash or by cheque and not by book adjustment. Here also the amount payable for private trunk call bills will be recovered from the officer concerned and recouped to Government.

Officers who are granted official telephone connections must be scrupulous and invariably see that payment for private calls is accurately and promptly made.

G. O. no.
4638/III—
510-51,
dated
November
6, 1951.

352. Government subscribers are required to settle trunk call bills within 30 days from the date of the bill. If a trunk call bill is not actually paid or returned after acceptance within the stipulated time limit, a reminder by "Registered Post—Acknowledgment Due" will be issued by the Telephone Revenue Accounts Officer concerned and the subscriber will thus be given an opportunity of getting, if necessary, a duplicate copy of the bill and making payment within 60 days from the date of the bill. In cases where payment is not made or the bill is not returned after acceptance within 60 days counting from the date of the bill, the telephone will be placed on the "Proscription List" and debarred from making trunk calls until such time as the outstanding bill is actually paid or returned after acceptance. Heads of Offices will ensure that payment of telephone trunk call bills is made to the Posts and Telegraphs Department within the prescribed time limit, whenever such calls are made.

C—Broadcasting

G. O. no.
811/II—408-
41, dated
June 5,
1941.

353. (1) The following instructions will be observed by public servants in respect of all broadcasts given by them from All-India Radio Broadcasting Stations :

(a) A talk in connection with the administration of the Union or any State in India:

The full text of the talk shall be submitted to the Secretary to Government in the department concerned.

(b) A talk which might affect relations of the Government of India with any country or State outside India :

The full text shall be submitted to the Chief Secretary.

(c) A talk on some general subject not coming in (a) or (b) above :

A brief summary of the talk shall be submitted to the officers' immediate superior.

INSTRUCTIONS RELATING TO POST OFFICES, TELEGRAMS, 139
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No broadcast shall be delivered until the authority mentioned above has given permission, and in cases of (a) and (b), the broadcast shall be delivered exactly in the form passed by that authority.

NOTE—A broadcast of a musical item will be considered to be a 'talk' for which permission should be obtained.

(2) In the case of broadcasts by Secretaries to Government the text or the summary of the proposed talk will be submitted to the Minister for approval. If there is any doubt as to the Minister to whom the talk should be submitted it will be decided by the Chief Secretary.

Chapter XXI—Pensions

A—Rules as to maintenance of the list of pensioners at tahsils and reports regarding their death or disappearance.

Old paras.
718-A.

354. Each tahsildar shall be furnished by the Treasury Officer with an extract from the list of all pensioners (maintained at treasuries under paragraph 511 of the Financial Handbook, Volume V, Part II and paragraph 277 of the Sub-Treasury Manual) who reside within the limits of his jurisdiction wherever their pensions may be paid.

The extracts shall give the following particulars regarding pensioners—

- (i) the number of the Pension Payment Order,
- (ii) the name, rank and residence of the pensioner, and
- (iii) the amount of pension,

and can be prepared in form no. 51 of the Financial Handbook, Volume V, with suitable amendments in the heading and column 2 of the form.

The Treasury Officer shall also communicate to the tahsildar in the same form all changes in the list of pensions as soon as they are made, and also all cases of pensions that remain undrawn for a year.

718-B

355. From the extracts received from the treasury the registrar kanungo at the tahsil shall compile mauzawar lists which shall be filed in the same order as that of mauzas in the registers of the registrar kanungo. The mauzawar lists shall be corrected and kept up-to-date according to the changes intimated from time to time by the Treasury Officer.

The extracts shall be sent every year in May to the Treasury Office, where they shall be amplified and corrected by addition of any names entered during the year and expunction of names removed from the treasury list. They shall be returned, duly corrected, to the tahsildar before the 1st July, who shall then have the mauzawar lists compared and corrected.

718-C

356. Every six months the tahsildar shall check the correctness of the mauzawar lists of pensioners from the extracts furnished by the Treasury Officer. The tahsildar and the naib-tahsildar, when on tour, should make it a point of seeing as many pensioners as they conveniently can, and personally ascertaining that they are alive. A note of the inspection should be made against the pensioners' names in the mauzawar list.

Old paras.
78-1D.

357. The death or disappearance of any pensioners reported by the Officer in charge of a police station or by a relative or friend of the pensioner under paragraphs 524 and 525 of the Financial Handbook, Volume V, Part II, or by the lekhpal under paragraph 22(4) of the Land Records Manual, or discovered by the tahsildar or naib-tahsildar in the course of their inspections or otherwise should, after verification, be immediately reported to the Treasury Officer and the list at the tahsil corrected accordingly.

358. (1) The registrar kanungo shall communicate to the lekhpal the names of all pensioners residing in his circle. Subsequent changes made in the mauzawar lists of pensioners shall be communicated to the lekhpal at his next visit to the tahsil.

Communication of names of pensioners to lekhpal and periodical inquiries regarding existence.

718-E

(2) Twice a year in the months of January and July the registrar kanungo shall make inquiries from the lekhpal regarding the existence of pensioners resident in their circles. Any cases of death or disappearance of pensioners brought to notice shall be dealt with as in paragraph 357.

359. The tahsildar shall see that the lekhpal do their duty in respect of reporting the death or disappearance of pensioners as required by paragraph 22 (4) of Land Records Manual, using for this purpose the information received from the Treasury Officer or the Officer in charge of a police station or gathered by him or the naib-tahsildar in the course of their personal inquiries or otherwise.

Tahsildar to check work of lekhpal.

718-F

B—Rules regarding payment of pensions

360. Under Article 952 of the Civil Service Regulations a Treasury Officer is authorised to allow the payment of a pension in any outlying treasury subordinate to the district treasury. Thus to save pensioners the expense and inconvenience of attending the district treasury the Treasury Officer may authorise payment, wherever practicable, at a sub-treasury instead of at the district treasury.

Authorisation for payment of pensions at sub-treasuries.

718-J

361. Payments of pension at the headquarters treasury shall be made in the presence of the Treasury Officer or Sub-Treasury Officer.

Payment of pension in presence of Treasury Officer or Sub-Treasury Officer.

718-K

Similarly when any pension is, under paragraph 7, ordered to be paid at the tahsil, its payment shall always be made in the presence and on the responsibility of the tahsildar himself or the naib-tahsildar in the unavoidable absence of the tahsildar on duty elsewhere (both of whom are prohibited from delegating this duty to any subordinate); and a life certificate of the pensioner signed by the tahsildar or the naib-tahsildar shall invariably be transmitted by him to the Treasury

Old paras.

PENSIONS

Officer when any such payment is made in the absence of the pensioner.

718-L

362. The Accountant General shall in November each year make out lists of pensioners, whether political or service, paid from each treasury, whose age is shown in the register maintained in the Accountant General's Office to be over 70 years and shall send each list to the Treasury Officer concerned, with the request that the continued existence of the pensioners may be attested by special inquiry. District Officers are required to see that this special inquiry is carefully made and due report furnished to the Accountant General. This matter should also receive the attention of Commissioners during their tours of inspection. Treasury Officers should bear in mind that they are personally responsible for any payments wrongly made.

In the case of *pardanashin* pensioners it is ruled that they must be actually recognised as required by paragraph 516 of the Financial Handbook, Volume V, Part II, by no less than two respectable persons living in the same town, village or pargana with whom the verifying authority, i.e., the tahsildar or the naib-tahsildar, is personally acquainted.

Recognition of *pardanashin* pensioners.

718-G

363. Subject to the provisions of the Civil Service Regulations, the following rules are prescribed with regard to the classes of pensions enumerated below :

Classes of pensions.

(1) Strictly political pensions, including all allowances and assignments granted under treaties and engagements.

(2) Pensions not strictly political, viz.,—

* (a) pensions specified in clause 2, section 7, of the Pensions Act, 1871 (XXIII of 1871) ;

(b) pensions granted as indemnity for loss sustained by the resumption of land by the British Government;

(c) pensions for the maintenance of religious endowments;

(d) charitable pensions, not being allowances and assignments under treaties and engagements.

*NOTE.—Pensions specified in clause 2, section 7 of the Pensions Act, 1871 (XXIII of 1871) include pensions granted under section 2, Regulation XXXIV of 1795, and under section 2, Regulation XXIV of 1803. The Government of India in Order no. 350, Department of Revenue, Agriculture and Commerce, dated the 10th May, 1877, accepted the view of the Advocate General that such pensions are subject to resumption only on the complete failure of heirs, lineal and collateral, of either the original grantee or the person to whom the whole or any part of the pension has been transferred. The Government North Western Provinces (now Uttar Pradesh) accordingly in order no. 1042A, Revenue Department, dated the 5th June, 1877, authorised the restoration of any pensions payable under section 2 of the Regulations noted above which had been irregularly withheld under its rulings of 1834, 1835-36, 1856 and 1860 (viz., that such pensions were inheritable in the line of direct descent only, and that alienation was no bar to their lapsing on the failure of lineal heirs of the original grantees), and sanctioned the payment of such arrears of those pensions as might be recovered from Government by suit under article 118, Schedule II, Indian Limitation Act, 1871 (IX of 1871), i.e., for six years or even for a longer period where the term of limitation was enlarged under the Act.

364. A register in the form given at the end of this Chapter shall be maintained in district offices for the class-
Maintenance of pension register. es of pensions enumerated in paragraph 363(2) above. The register shall be divided into four parts so as to show separately the four classes of pensions specified in the aforementioned rule.

Old paras.
718-H.

365. (1) Ordinarily all hereditary pensions shall be paid only in the districts within which the original grantees, their lineal descendants or their heirs reside, and to the grantees or their representatives in person. If the grantees or their heirs are females, or due to bodily infirmity are unable to appear in person, or are excused by special permission from personal attendance, they may be exempted from personal attendance. Government may also grant exemption to pensioners of high rank from personal attendance and from the operation of any rules made for the identification of pensioners. In all such cases of exemption from personal appearance, the payment of the pension may be made to a duly authorised agent on production of the power of attorney and a life certificate signed by the tahsildar of the tahsil within which the person or persons entitled to pension reside; the life certificate should certify that such person or persons were alive on the last day of the calendar month for which the pension applied for is due.

718-I.

(2) Where a sarkabz or agent is permitted to draw a political pension on behalf of his principals he may, in lieu of filing life certificates signed by the tahsildar, furnish life certificates attested either by a gazetted Government Officer or by two well known political pensioners or respectable persons for each individual on whose behalf he is authorised to receive pension. Such authority shall in the case of all persons drawing pensions through an accredited agent or sarkabz be given by stamped power of attorney except in cases covered by sub-para. (3) below.

G. O. no.
3149/111—
364-42,
dated
October
14, 1942.

(3) Where a female pensioner is in receipt of a pension of Rs.10 or less but does not wish to attend the treasury personally to receive payment, she may be exempted from such attendance if she intimates to the Treasury Officer by letter the person to whom payment should be made on her behalf. The person so nominated should bring her receipt and also her Pension Payment Order. The same procedure should also be adopted in the case of male pensioners drawing a political pension of Rs.3 per month or less.

A fresh letter of authority should be required once a year or whenever the person authorised is changed.

(4) Life certificates of political pensioners and the separate receipt to be furnished by agents or sarkabzes receiving payment on their behalf should be submitted by the Treasury Officer to the Accountant General every month along with the monthly accounts.

NOTE—The provisions in sub-para. (2) and (3) above apply to cases where payment of a political pension is made through a sarkabz or agent. The sarkabzi system is an old method of making payment of monthly political pensions to members of a particular family. The sarkabz is generally the head or a trustworthy member of the

Old ^{part} 88.

family, who is selected by his family members to draw the pensions due on their behalf. The sarkabz must furnish the necessary life certificates specified above and except in cases covered by sub-para. (3), he must also furnish a stamped power of attorney authorising him to receive payment on behalf of the pensioners by whom accredited. The sarkabz is responsible for disbursement of the aggregate amount of pension drawn to the persons on whose behalf he has received payment.

G. O. no.
864/I—258,
dated the
23rd May.
1917.

366. Pensions not drawn regularly may only be disbursed by Payment of arrears. Treasury Officers on their own authority if the period which elapsed since the last drawal does not exceed one year. If the said period exceeds one year but does not exceed two years, the sanction of the District Officer is required ; if it exceeds two years but does not exceed six years, the sanction of the Commissioner is required ; and if it exceeds six years, the sanction of the Government is required.

G. O. no.
1724/IC—
6C/52,
dated
August
23, 1952.
G. O. no.
1166/IV—
100—21,
dated the
13th May,
1924.
718.(1)

NOTE 1—These orders, however, do not apply to the payment of arrears of Mulikana allowances which is to be made in accordance with the orders stated below :

'Pensions not drawn regularly may be disbursed by the Treasury Officers on their own authority if the period which has elapsed since the last drawal does not exceed one year. If the said period exceeds one year but does not exceed three years, the sanction of the District Officer is required; and if it exceeds three years the sanction of the Government is required.'

2—The Pension Payment Order in the case of political pensioners who have not drawn their pension for more than a year, need not be returned to the Accountant General, U. P. as required by Article 956 of the Civil Service Regulations.

367. Commissioners are authorised to decide all claims as regards Continuance of pensions. to appeal to the State Government. All other claims for continuance of pensions shall be reported by the Commissioner to Government.

G. O. no.
1196/IV—
315, dated
the 24th
December,
1914.

368. (1) The State Government can commute without previous reference to the Government of India hereditary pensions not exceeding Rs.60 a year in value. In other cases reference must be made to the Government of India.

(2) Every application for commutation shall be submitted to the State Government through the Accountant General, who will in transmitting it report as to the amount payable in commutation as required by the Government of India notification no. 4439 dated the 2nd December, 1886, Department of Finance and Commerce.

718-Q

369. The rate for commutation of each political pension will be determined in accordance with paragraph 2 of the Government of India, Finance Department, confidential letter no. 10537-G-I, dated December 28, 1934.

718-R

370. When any person who holds a hereditary or transferable pension applies to transfer the whole or a part to another person, or when the holder of such a pension applies for commutation of the whole or part of it, the application shall be verified before a Magistrate.

718-S

G. O. no.
638/IV—
201, dated
the 14th
July, 1914.

371. In submitting the application for commutation of hereditary political pensions a report shall be furnished on the following points :

Report on application for commutation,

(i) That the desirability of commuting the pensions has been fully considered in the light of the fact that such pensions are to some extent a guarantee of good behaviour and loyalty to Government ;

Old paras

(ii) That due provision has been made to secure that the Government will not be called on later to relieve distressed pensioners or their descendants.

372. (1) Transfers of strictly political pensions from one State to another, and from one treasury to another, require the sanction of Government.

718-T
718-U
718-V

Transfers of pensions.

Transfers of all pensions enumerated in clause (2), paragraph 363, from one district to another within a division require the sanction of the Commissioner, and from one division to another, or from one State to another, the sanction of the Government

(2) When the transfer of a pension from one State to another is recommended by a Commissioner, a narrative of the origin and particulars of the pension proposed for transfer together with a copy of the descriptive roll of the pensioner, or pensioners if there be more than one, and a certificate of last payment must be submitted with the application. If the transfer is sanctioned, a copy of these documents, together with a report of such transfer, must be furnished to the Accountant General of both States and to the Commissioner of the division and to the Treasury Officer concerned.

(3) No transfers of pensions for payment in districts other than those in which the grantees ordinarily reside should be recommended save under very exceptional circumstances, and when allowed, and when personal attendance is also excused, a power of attorney and a life certificate signed by the tahsildar of the tahsil within which the grantees ordinarily reside, and countersigned by the Treasury Officer of the same district, shall in all cases be produced by the agent of the persons applying for payment before payment of the pension can be made.

373. No division among joint holders of any such pension or grant as is described in section 4 of the Pensions Act, 1871, must be made without the sanction of the Commissioner.

718-W

Division, resumption or consolidation of pension.

All proposals to resume any such pension must be referred for the orders of the Government, unless the term during which it was to be enjoyed was expressly defined and has expired.

The consolidation of pensions enumerated in paragraph 363(2) may be authorised by Commissioners.

374. When a claim relating to any such pension or grant is preferred to a District Officer under section 5 of the Pensions Act, 1871, such District Officer may, with the sanction of the Commissioner, certify that such claim may be tried by civil court.

718-X

Certificate of claims relating to pensions.

375. Rules regarding the payment of political pensions in Avadh and to the Delhi Royal Family are contained in the Wasika Manual.

712 to 713

Political pensions payable in Avadh and to the Delhi Royal Family.

Register of pensions under paragraph 364 of the Manual of Government Orders, drawn from the treasury.

Serial number.	Name of pensioner or set of pensioners.	Amount of pension or pensions drawn.	Number and date of permanent pay order under which each pension or set of pensions is drawn.	Period according to which pension or set of pensions is drawn.	Amount of pensions as consolidated.	Number and date of consolidated and permanent pay order.	Period according to which consolidated pension is drawn.	Brief history of the circumstances under which the pension was originally granted ; conditions, if any, attaching to the grant, whether the pension is one in perpetuity or not ; names of persons who have succeeded to the pension from the date of the death of the original grantee up to the period at which the present recipient succeeded, with the number and date of the order of the authority sanctioning the succession.
1	2	3	4	5	6	7	8	9

Foot-note to form of register.

All successions which will take place will be entered in *red ink* in column 2 of the register, and the number and date of the order sanctioning succession will likewise be entered in *red ink* in column 4 below the number and date of the Government Order under which the pension was originally granted.

Chapter XXII—Memorials

A—Petitions other than on behalf of convicted prisoners.

376. Instructions for submission of petitions addressed to the State Government

PART I

PRELIMINARY

1. *Definitions*—In these instructions :

(1) “Civil employment” means employment by Government or by a local authority ;

(2) “Head of a Department” includes the authorities who are declared to be Heads of Departments for the purpose of the U. P. Fundamental Rules and the Subsidiary Rules in Parts II and III respectively of the Financial Handbook, Volume II and also the authorities who are empowered to exercise the powers of Heads of Departments in certain matters.

Old para.
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NOTE—A list of these authorities will be found in Statements I and II in the Financial Handbook, Volume II, Part IV.

(3) “Petition” includes memorials, letters and applications of the nature of petitions.

2. *Scope of instructions*—(1) Save as hereinafter provided, these instructions shall apply, so far as may be, to all petitions addressed to the State Government.

(2) They shall apply to a person who is enrolled or employed under the provisions of any Act only, in so far as they are not inconsistent with any provision contained in that Act or in any rule or regulation made under that Act.

(3) They shall not affect any rules or orders made by the Government in respect of representations submitted by recognized associations of government servants.

(4) They shall apply to petitions relating to Bills pending before the State Legislature only so far as they are not inconsistent with any standing order, rule or direction governing the submission of such petitions.

(5) These instructions do not apply to petitions addressed to the Government of India by persons who are or have been in civil employment. Instructions on this subject have been issued by the Government of India and are contained in Section B of this Chapter.

PART II

FORM AND MANNER OF SUBMISSION AND OF TRANSMISSION OF PETITIONS

3. *Form of Petitions*—(1) A petition may be in manuscript, type-written or in print.

(2) Every petition shall be authenticated by the signature of the petitioner, or when the petitioners are numerous, by the signatures of one or more of them.

4. *Stamping of petitions and documents presented with petitions*—(1) A petition addressed to the Governor or to the Government does not require to be stamped.

(2) Every copy of a document referred to in any of Articles 6, 7 or 9 of Schedule I of the Court Fees Act (Act VII of 1870) or in Article 24 of Schedule I of the Stamp Act (Act II of 1899) as Amended by Acts of the State Legislature, which is submitted in support of a petition, must be stamped to the value indicated by the appropriate Article provided that stamp duty and/or court-fee shall not be payable on the documents mentioned in (i) para. 8(c),(d) and (f) and para. 42 of Appendix C-III to the Stamp Manual; (ii) item 59 of Appendix C-II to the same Manual and (iii) copy of order of punishment against which the petition is made referred to in para. 2 of G.O. no. 4135/II—339-40, dated October 23, 1940.

(3) Every document which is not duly stamped will, as the case may be, either be returned in accordance with the express provisions of section 6 of Act VII of 1870 or will be dealt with under the provisions of Chapter IV of Act II of 1899. A petition with which an unstamped copy of a document is received will ordinarily, if the consideration of the unstamped document is essential, be returned to the person who presents it with a direction that no order will be passed on it unless it is presented together with the copy duly stamped.

Note—Sub-instructions (2) and (3) apply also to copies which accompany petitions to the Government of India, presented to the State Government for transmission to the Government of India.

5. *Contents of petition*—Every petition shall—

(1) contain all material statements and arguments relied upon by the petitioner;

(2) be complete in itself ;

(3) if any recorded order of a court or other public authority is complained against or is otherwise in issue, be accompanied by a copy of that order and by a copy of any order in the case passed by a subordinate authority ; and

(4) end with a specific prayer.

6. *Presentation of petitions*.—(1) Except as provided in clauses (2) to (4) below no petition will be accepted from one person on behalf of another unless it is accompanied by a duly executed power of attorney.

(2) Nothing in sub-rule (1) applies to a petition presented on behalf of a lunatic or other person whose circumstances make the execution of a power of attorney impossible.

(3) A petition on behalf of a lunatic or a minor who has an authorized guardian should be presented by the said guardian.

(4) A petition presented direct to the Government will as a rule be returned to the petitioner for submission in accordance with instruction 7 or 8.

7. *Submission of petitions*—Save as provided in instruction 8, every petition shall be submitted through the Collector or Deputy Commissioner of the district in which the petitioner resides or in which the subject-matter of the petition arose.

8. *Submission of petitions by persons in civil employment*—(1) (a) Whenever, in any matter connected with his service rights or conditions, a government servant wishes to press a claim or to seek redress of a grievance, the proper course for him is to address his immediate official superior, or the head of his office, or such other authority at the lowest level as is competent to deal with the matter.

(b) An appeal or representation to a higher authority must not be made unless the appropriate lower authority has already rejected the claim or refused relief or ignored or unduly delayed the disposal of the case.

(c) Representations to still higher authorities (for example, those addressed to the Governor, the Government, or to Ministers) must not be made unless all means of securing attention or redress from lower authorities have been exhausted; even in such cases, the representation must be submitted through the proper channel (i.e., the head of office, etc., concerned).

(d) There will be no objection at the last stage mentioned at (c) above, but only at that stage to an advance copy of the representation being sent by the government servant direct to the higher authority to whom the representation is addressed. Advance copies of such representations should not, however, be sent to any outside authorities, i.e., authorities who are not directly concerned with the consideration thereof (e.g., other Minister, Secretary to Government, Members of Legislature, etc.).

(2) The treatment by the higher authorities of advance copies of representations received in accordance with instruction 8(d) above will be governed by the following general principles:

- (a) If the advance copy does not clearly show that all means of securing attention or redress from lower authorities have been duly tried and exhausted, the representation should be ignored or rejected summarily on that ground, the reasons being communicated briefly to the government servant. If the Government servant persists in thus prematurely addressing the higher authorities suitable disciplinary action should be taken against him.

(b) If the advance copy shows clearly that all appropriate lower authorities have been duly addressed and exhausted, it should be examined to ascertain whether on the facts as stated, some grounds for interference or for further consideration appear, *prima facie*, to exist. Where no such grounds appear, the representation may be ignored or summarily rejected, the reasons being communicated briefly to the Government servant.

(c) Even where some grounds for interference or further consideration appear to exist the appropriate lower authority should be asked, within a reasonable time, to forward the original representation, with its report and comments on the points urged. There is ordinarily no justification for the passing of any orders on any representation without thus ascertaining the comments of the appropriate lower authority.

(3) In the matter of grievances arising out of a government servant's employment or conditions of service, the proper course for him will be to seek redress from the appropriate departmental and governmental authorities, in accordance with the instructions prescribed for this purpose. Any attempt by a government servant to seek a decision on such issues in a Court of law (even in cases where such a remedy is legally admissible), without first exhausting the normal official channels of redress, can only be regarded as contrary to official propriety and subversive of good discipline, and may well justify the initiation of disciplinary action against the government servant.

9. *Transmission of petitions*—(1) The officer to whom a petition is presented shall, unless he is empowered to withhold it under instruction 10, forward the petition with an expression of his opinion through the usual official channel.

(2) The head of a department, on receipt of any petition submitted through him, shall, unless he is empowered to withhold it under instruction 10, forward the petition, by means of the usual official channel, to the State Government together with an expression of his opinion thereon.

PART III

WITHHOLDING OF PETITIONS BY THE HEAD OF A DEPARTMENT

10. *Circumstances in which petitions may be withheld*.—The head of a department to whom a petition is presented or forwarded may, at his discretion, withhold it when—

(1) the petitioner has not complied in full with the provisions of Part II of these instructions;

(2) the petition is illegible, or unintelligible or contains language which is, in the opinion of the head of the department, disloyal, disrespectful or improper;

(3) a previous petition from the petitioner on the same subject has been disposed of by the State Government, and the petition, in the opinion of the head of the department, discloses no new facts or circumstances which afford grounds for a re-consideration of the subject;

(4) the petition is a representation against a decision which is declared to be final by any law or statutory rule ;

(5) the law provides a different or specific remedy in respect of the subject matter of the petition, whether or not any period of limitation prescribed for the prosecution of such remedy has expired ;

(6) the petition is an appeal from a judicial decision :

Provided that, if the petition—

(a) is an appeal from a judicial decision in a case in which Government has reserved any discretion of interference.

(b) is an appeal from a judicial decision in a suit to which Government was a party,

the petition shall not be withheld unless it falls under clause (11).

(7) the petition is a mere application for relief, pecuniary or other, which is—

(a) presented by a person manifestly possessing no claim or advancing a claim of an obviously unsubstantial character; or

(b) so belated that its consideration is clearly impossible ;

(8) the petition is—

(a) an application for employment in Government service in a post to which appointments are made by an authority subordinate to the Government or an application for such employment not made in pursuance of any rule or announcement regarding applications for such employment ; or

(b) a request for exemption from the provisions of any law or rule prescribing the qualifications to be possessed by persons in the service of Government or by persons engaging in any profession or employment :

Provided that where the rules governing appointments to any post make provision for exemption in exceptional cases from any such qualification, a petition for exemption shall not be withheld under this clause.

(9) the petition is a representation against the action of a private individual or of a body of private individuals regarding the private relations of the petitioner and such individual or body ;

(10) the petition not being a petition such as is referred to in the proviso to clause (6) relates to matters in which the petitioner has no direct personal interest ;

(11) the petition relates to a subject on which the head of the department is competent to pass orders, and no application for redress has been made by the petitioner to him ;

(12) the petition is a representation against an order communicated to the petitioner more than six months before the submission of the petition, and no satisfactory explanation of the delay is given ;

(13) the petition is a representation against a failure to exercise a discretion vested in the head of a department :

Provided that no petition submitted by an officer of an All-India Service or by a member of a State Service to which appointments are made by the Government shall be withheld under this clause.

(14) the petition is a representation against the discharge by competent authority of a person—

(a) appointed on probation, during or at the end of the period of probation, in accordance with the terms of the appointment and the rules governing the probationary service, or

(b) appointed, otherwise than under contract, to hold a temporary appointment, on the expiration of the period of such appointment, or

(c) engaged under contract, in accordance with the terms of his contract.

(15) the petition is a representation by a person who is or has been in the employment of Government—

(a) arising out of an order passed in revision of an appellate order confirming an order of dismissal or other punishment, or

(b) arising out of an appellate order confirming an order of dismissal or other punishment, except in a case in which a right to submit to the Government an application for revision has been conferred by any law or rule, or

(c) arising out of an order from which, not being an order of punishment passed by the Government, an appeal is expressly barred by any rule, order or contract regulating his conditions or terms of service :

Provided that a representation arising out of any such appellate or revisionary order resulting in dismissal or removal from service which, while not questioning the facts in issue or the justification for such order, is confined to a petition for mercy or for a compassionate pension shall not be withheld.

(16) the petition is submitted otherwise than in accordance with any rule, order or contract regulating his conditions of service by a person in Government service with regard to his prospective claim to pension, or

(17) the petition is a representation with regard to any matter connected with the official prospects or position of a person in Government service, and is not submitted by such person.

11. *Petitioner to be informed when petition is withheld*—The head of a department shall, when a petition is withheld under instruction 10 inform the petitioner of the withholding and the reason therefor.

12. *List of petitions withheld*.—The head of a department shall on the 15th day of April, July, October and January send a quarterly return to the Government of all petitions withheld by him, under instruction 10 during the preceding quarter stating briefly the reasons for withholding them. This return should be submitted to the Department of Government concerned in the undernoted form:

List of memorials addressed to the Government of Uttar Pradesh administered by me _____, *during the quarter ending* 19 .

Number	Name and residence of memorialist	Date of memorial	Authority addressed	Department of the Government in which the memorial would have been dealt with	Subject of memorial	Rules under which withheld	Number and date of previous orders passed by the State Government or the authority withholding the memorial,	Remarks
1	2	3	4	5	6	7	8	9

377. Instructions regarding petitions to the Government of India by persons who are or have been in civil employment

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para.
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PART I

PRELIMINARY

1. *Definition*—In these instructions :

(1) "State Government" includes the authorities mentioned in the appended Schedule ; and

(2) "petition" includes memorials, letters and applications of the nature of petitions.

2. *Scope of Instructions*.—(1) Save as hereinafter provided, these instructions shall apply, so far as may be, to all petitions addressed to the President by persons who are, or have been, in civil employment, in respect of matters arising out of such employment or in respect of the termination of such employment.

Government
of India
Home
Department
notification
no. 106/38,
dated
August 24,
1930.

(2) They shall apply only in so far as they are not inconsistent with the conditions of Indian Navy, Army or Air Force Service to petitions of the nature referred to in sub-instruction (1) from persons who are or have been in such service in respect of matters arising therefrom.

(3) They shall not affect any rules or orders made by the President in respect of representations submitted by recognised associations of government servants.

PART II

FORM AND MANNER OF SUBMISSION OF PETITIONS

3. *Form of petition.*—(1) A petition may be either in typescript or in print.

(2) Every petition shall be authenticated by the signature of the petitioner in his own behalf.

(3) Every petition and the documents accompanying it, shall be in Hindi or for the time being in English pending such further orders as may be issued by Government.

4. *Contents of petition.*—Every petition shall—

(1) contain all material statements and arguments relied upon by the petitioner;

(2) be complete in itself;

(3) if any recorded order of a public authority is complained against, be accompanied by a copy of the orders and by a copy of any order in the case passed by a subordinate authority; and

(4) end with a specific prayer.

5. *Method of submission.*—(1) Every petition shall be submitted through—

(a) the State Government mentioned in the appended Schedule in respect of the petitioner; or

(b) if no State Government is mentioned in the Schedule in respect of the petitioner, the State Government of the State in which the petitioner is or has last been residing or employed, and shall be accompanied by a letter requesting the State Government to transmit the petition to the President.

(2) If there is no State Government such as is referred to in sub-instruction (1), the petition shall be submitted to the President direct.

6. *Transmission of petitions.*—(1) Every petition shall be submitted to the authority provided in instruction 5 through the head of the office or department to which the petitioner belongs or belonged.

(2) The head of an office or department on receipt of any petition submitted through him in accordance with sub-instruction (1) shall forward the petition, by means of the usual official channel, to the authority provided in instruction 5.

PART III

WITHHOLDING OF PETITIONS BY THE STATE GOVERNMENT

7. *Circumstances in which petitions may be withheld*—The State Government may, at discretion, withhold a petition when—

(1) the petitioner has not complied in full with the provisions of Part II of these instructions ;

(2) the petition is illegible or unintelligible or contains language which is, in the opinion of the State Government, disloyal, disrespectful or improper ;

(3) a previous petition from the petitioner on the same subject has been disposed of by the Government of India or the President, and the petition, in the opinion of the State Government, discloses no new facts or circumstances which afford grounds for a reconsideration of the subject ;

(4) the petition is a representation against a decision which is declared to be final by any law or statutory rule ;

(5) the petition is—

(a) an application for employment in government service not made in pursuance of any rule or announcement regarding applications for such employment ; or

(b) a request for exemption from the provisions of any law or rule prescribing the qualifications to be possessed by persons in the service of Government or by persons engaging in any profession or employment ;

(6) the petition relates to a subject on which the State Government is competent to pass orders, and no application for redress has been made by the petitioner to the State Government ;

(7) the petition is a representation against an order communicated to the petitioner more than six months before the submission of the petition, and no satisfactory explanation of the delay is given ;

(8) the petition is a representation against a failure to exercise a discretion vested in the State Government ;

(9) the petition is a representation against the discharge of a person—

(a) appointed on probation, during such probation ;

(b) appointed, otherwise than under contract, to hold a temporary appointment, on the expiration of the period of such appointment ; or

(c) engaged under contract, in accordance with the terms of such contract ;

(10) the petition is a representation against an order—

(a) from which the petitioner has exercised or possesses a right of appeal under—

(i) rules or orders regulating his conditions of service ; or

(ii) the terms of his contract of service ;

(b) passed by any authority in the exercise of appellate or revisional powers conferred by any rule, order or contract such as is referred to in sub-clause (a), or

(c) from which, not being an order of punishment passed by the Government of India or the President on an officer appointed by the Government of India or the President, an appeal is expressly barred by any rule, order or contract such as is referred to in sub-clause (a);

(11) the petition is a representation relating to—

(a) the application of—

(i) rules or orders made by the Government of India; or

(ii) the terms of the contract of service of the petitioner; or

(b) an order of the State Government refusing to grant or to recommend

(i) a special pension;

(ii) a compassionate pension; or

(iii) any pecuniary or other concessions to which the petitioner is not entitled under any law or statutory rule;

(12) the petition is submitted, otherwise than in accordance with any rule, order or contract such as is referred to in sub-clause (a) of clause (10), with regard to the prospective claim of the petitioner to pension; or

(13) the petition is a representation against the withholding of a petition by an authority competent to do so.

8. *Petitioner to be informed when petition is withheld.*—The State Government shall, when a petition is withheld under instruction 7, inform the petitioner of the withholding and the reason therefor.

9. *List of petitions withheld.*—The State Government shall send a quarterly return to the Ministry of the Government of India administratively concerned with the memorialist, specifying all petitions from officers under the rule making control of that authority or an authority subordinate thereto, withheld under instruction 7 by the State Government and reasons for withholding them.

NOTE.—In order to reduce unessential work it has been decided that the submission of *nil* returns of petitions, memorials or appeals addressed to the Government of India and withheld by the State Government should be discontinued.

PART IV

TRANSMISSION OF PETITIONS BY THE STATE GOVERNMENT

10. *Procedure for transmission.*—The State Government shall transmit to the President all petitions not withheld under instruction 7, together with a concise statement of facts material thereto and, unless there are special reasons to the contrary, an expression of the opinion of the State Government thereon.

SCHEDULE

List of authorities included in the term "State Government"

[See instruction 1(1) of paragraph 377]

(1) Chief Commissioner.

(2) The Commander-in-Chief and Army, District and Independent Brigade Commanders.

NOTE.—In the case of petitioners who are ex-soldiers and have served under more than one Army, District or Independent Brigade Commander, the State Government for the purpose of these instructions shall be the Army, District or Independent Brigade Commander who from his knowledge of the petitioner or of the subject matter of the petition is best able to make recommendations on the petition.

(3) The Air Officer Commanding, Air Force in India.

(4) The Flag Officer Commanding, Indian Navy.

(5) Heads of Departments who are directly under the Government of India.

(6) In respect of persons serving under the Railway Board—

(a) as regards non-pensionable non-gazetted staff :

(i) General Managers.

(ii) Chief Engineers.

(iii) Chief Operating and Transportation Superintendents.

(iv) Chief Traffic and Commercial Managers.

(v) Locomotive and Carriage and Wagon Superintendents.

(vi) Chief Mechanical Engineer.

(vii) Superintendents of Mechanical Workshops.

(viii) Financial Advisers and Chief Accounts Officers.

(ix) Divisional Superintendents.

(x) Controller of Railway Accounts.

(b) as regards other staff:

The Railway Board.

B—Petitions and memorials on behalf of convicted prisoners

377A. The following instructions for the submission of memorials or petitions to the Governor or to the

Exclusion of petitions on behalf of convicts sentenced to death.

President of India praying for pardon supersede all previous instructions on the subject.

These instructions shall not apply to memorials or petitions submitted by, or on behalf

of, convicts under sentence of death, which are governed by Chapter XVII of the Uttar Pradesh Jail Manual.

377B. Memorials or petitions addressed to the Governor

1. *Petitions for clemency by convicts.*—Petitions for clemency by convicted prisoners shall be presented to the Superintendent of the jail in which they are confined and must be accompanied by copies of relevant judgments or orders.

Copies of judgments or orders can be obtained free of cost.

2. *Superintendent of jail to forward petition to District Magistrate.*—When a petition is presented to the Superintendent of a jail, he shall forward it to the District Magistrate of the district in which the prisoner was convicted along with a brief report as to the prisoner's age, health and conduct in jail, the period of imprisonment to which he was sentenced and the period of imprisonment with and without remissions already undergone by him. A reference to the Inspector-General of Prisons is not necessary.

3. *Petitions on behalf of convicts.*—Petitions on behalf of convicted prisoners shall be presented to the District Magistrate of the district in which the prisoner was convicted and must be accompanied by copies of the relevant judgments or orders.

Persons submitting petitions on behalf of convicted prisoners shall pay the usual charges for obtaining copies of judgments or orders in addition to the court fee due on such copies.

4. *Procedure to be followed by District Magistrate.*—In the case of petitions submitted under instructions 3, the District Magistrate shall obtain a brief report from the Superintendent of the jail in which the prisoner is confined as to the prisoner's age, health, conduct in jail, period of imprisonment to which he was sentenced and the period of imprisonment with and without remissions already undergone by him, before submitting it to Government under the instruction next succeeding.

5. *District Magistrate to forward petitions to Government. Consultation when necessary with other District Magistrates.*—On receipt of a petition under instruction 2 and after complying with the requirements of instruction 4 in respect of petitions received under instruction 3, the District Magistrate shall record his views as to the advisability of granting the petition and forward it along with the accompanying documents and the jail report to Government.

If the convict is a resident of another district the District Magistrate shall also consult the District Magistrate of the district to which the convict belongs before forwarding the petition to Government.

6. *Cases of co-accused persons.*—If it appears from the judgment that other persons were also convicted in the same case along with the petitioner, the District Magistrate shall, before forwarding the petition, obtain as far as possible, the necessary particulars as to age, etc., regarding these other persons also from the Superintendents of

jails in which they are confined and make such other inquiries with respect to them as he may consider necessary, irrespective of the fact whether any petitions for clemency on their behalf have been submitted or not. While forwarding the petition to Government he shall also along with it forward a brief note stating whether any one or more of the other prisoners have been released and in the case of such of them as are still in jail giving their names, ages, conduct in jail and sentences and the periods of imprisonment with and without remissions undergone by them and indicating whether, in his opinion, there are any reasons for differentiating between them and the petitioner.

7. *Convicts evading surrender to bail.*—No petition shall be received or forwarded on behalf of any convicted person who is evading surrender to his bail.

8. *Return of petitions.*—A petition presented direct to Government will be liable to be returned to the petitioner for submission in accordance with instruction 2 or 3, as the case may be.

377C. Memorials or Petitions addressed to the President

PART I

PRELIMINARY

1. *Definitions.*—In these instructions :

(1) "State Government" means in relation to any Part C State and the Andaman and Nicobar Islands, the Chief Commissioner.

(2) "Memorial" means a memorial praying for pardon, addressed to the President and includes petitions, letters and applications of the nature of memorials.

(3) "Petition" means a petition praying for pardon, addressed to the President and includes petitions, letters and applications of the nature of petitions.

(4) "Pardon" means the grant, to any offender convicted, in the exercise of its criminal jurisdiction, by any court in India and sentenced to punishment other than death, of a pardon either free or on conditions ; and includes a respite, reprieve or remission of punishment.

PART II

FORM AND MANNER OF SUBMISSION OF MEMORIALS AND PETITIONS

2. *Form of memorial or petition.*—(1) A memorial or petition may be either in manuscript or in print.

(2) Every memorial or petition shall be authenticated by the signature of the memorialist or the petitioner, or, when the memorialists or petitioners are numerous, by the signatures of one or more of them.

Government of India
Ministry of Home
Affairs,
notification
no. 40/39/
51—Judl.,
dated
January
16, 1952.

(3) Every memorial or petition and the documents accompanying it shall, if possible, be in English.

3. *Contents of memorial or petition*—Every memorial or petition shall—

(1) contain all material statements and arguments relied upon by the memorialist or petitioner ;

(2) be complete in itself ;

(3) be accompanied by copies of the judgments of the courts ;
and

(4) end with a specific prayer.

4. *Method of submission*—Every memorial or petition shall be submitted through the State Government concerned, and shall be accompanied by a letter requesting the Chief Secretary to the State Government concerned to transmit the memorial or petition to the President.

PART III

WITHHOLDING OF MEMORIALS AND PETITIONS BY THE STATE GOVERNMENT

5. *Circumstances in which memorials or petitions may be withheld by the State Government*—The State Government may withhold a memorial or petition when—

(1) the memorialist or petitioner has not complied in full with the provisions of Part II of these instructions ;

(2) the memorial or petition is illegible or unintelligible, or contains language which is in the opinion of the State Government, disloyal, disrespectful or improper ;

(3) a previous memorial or petition from the memorialist or petitioner on the same subject has been disposed of by the President, and the memorial or petition, in the opinion of the State Government, discloses no new facts or circumstances which afford grounds for a re-consideration of the subject ; or

(4) the memorial or petition contains a prayer concerning a sentence or punishment (not being a sentence of death) for an offence in relation to a matter to which the executive power of the Central Government does not extend.

6. *Memorialist or petitioner to be informed when memorial or petition is withheld*—When a memorial or petition is withheld under instruction 5, the State Government shall inform the memorialist or petitioner of the fact of such withholding along with the reason or reasons therefor.

7. *List of memorials or petitions withheld*—The State Government shall send a quarterly return to the Secretary to the Government of India in the Ministry of Home Affairs, specifying the brief details of all memorials or petitions withheld under instruction 5 and the reasons for withholding them.

PART IV

TRANSMISSION OF MEMORIALS AND PETITIONS BY STATE GOVERNMENTS

8. *Procedure for transmission*—(1) The State Government shall transmit to the Secretary to Government of India in the Ministry of Home Affairs, all memorials or petitions not withheld under instruction 5, together with a concise statement of facts relevant thereto and an expression of the opinion of the State Government on the grounds urged in the memorial or petition.

(2) Where the memorial, petition or any document accompanying it is not in English, the State Government shall, when transmitting it, under this instruction, also forward an English translation thereof duly authenticated under the authority of the State Government.

NOTE—When a memorial or petition is received by a District Magistrate from or on behalf of a convict, he shall forward it to the State Government as soon as possible with the following documents :

- (1) Copies of judgments in the case ;
- (2) A concise statement of facts relating to the case ;
- (3) A report from the Superintendent of the Jail concerned on the health, age and conduct of the prisoner as well as the period served by him including and excluding remissions ;
- (4) His own recommendation as to the advisability or otherwise of his release, etc.

In case the convict concerned has not surrendered to his bail and is at large, the fact should be intimated to Government and the jail report omitted.

G. O. No.
542/XN11-
1354-51,
dated
May 16,
1952

Chapter XXIII—Treasure Trove

Old paras.

A—General Rules under section 19 of the Treasure Trove Act, 1878

N.B.—Attention is particularly invited to rule 16. It is of great importance that the Act should not be used in petty cases where a few coins have been accidentally found, and the police should be instructed that in such cases no inquiry at all is necessary. The Government has an immemorial right over treasure trove, and one object of the Act is that valuable coins should be acquired and preserved from destruction; but it is obvious that this object will be constantly defeated if finders are exposed to harassing inquiries and prosecutions.

1715

378. Every tahsil office shall be considered a Government treasury for the purposes of receiving treasure deposited by a finder in accordance with section

Rule 1.

4 of the Treasure Trove Act, 1878.

1716

379. On receiving treasure trove, the tahsildar shall cause to be prepared a list containing details of the treasure deposited. When the deposit consists

Rule 2.

of coins other than those in current use, care shall be taken to record in the list the date stamped on the coins and so much of the superscription as may be legible. To the list prepared in the tahsil shall be added the place and date of finding.

If the treasure found consists of massive pillars, inscribed blocks, or other objects *in situ*, the tahsildar shall not remove them, or require them to be removed, to the tahsil; but he shall make such arrangements as appear necessary for their protection, pending the orders of the Collector.

If such treasure consists of isolated figures, fragments of carving and the like, not *in situ*, the tahsildar shall, unless he has reason to apprehend that it will, if left in the custody of the finder, be defaced or made away with, allow the finder to retain it in his own custody pending the orders of the Collector. If the tahsildar has reason to apprehend injury to or loss of the treasure found, he shall require the finder to deposit it at the tahsil.

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380. The list shall be read over to and attested by the finder, and in every case a duplicate copy shall be at once delivered to him free of charge.

Rule 3.

1718

381. On receipt of the tahsildar's report, under rules 2 and 3, if the Collector considers the acquisition of the treasure desirable on historical, antiquarian, or

Rule 4.

other public grounds, he shall submit a full description of the same to the Government, stating the actual value of the materials, the estimated market value of the treasure, the grounds on which he considers that it should be acquired, and the sum over and above the intrinsic value of the materials payable, under section 16 of the Act, to the persons entitled to payment.

In the case of treasure falling under rule 2, the Collector in his report to the Government shall also state what arrangements he proposes for its care and protection *in situ*, should its acquisition be sanctioned, and whether by lease or otherwise, he can secure to the Government the land to which the said treasure is attached, or a right to enter upon the land and to undertake therein such protective measures as may seem necessary.

Old paras
1719

382. If the finder is a person known to be possessed of means equivalent in value to the treasure found, and if after the list prescribed in the foregoing rule has been prepared, he elects to retain such treasure in his own custody he shall be permitted to do so until orders have been received from the Collector.

Rule 5.

1720

383. If notice has not been previously given, the tahsildar shall forward a copy of the list to the Collector of the district in which the treasure has been found, and this shall be accepted as the notice in writing required by the Act.

Rule 6.

1721

384. All treasure deposited shall be placed in a fitting receptacle and kept in the treasury under double lock and key until orders for its disposal have been received from the Collector. The covering to the receptacle shall be sealed by the tahsildar.

Rule 7.

1722

385. Any person making a report of treasure trove at a police station shall be directed to make the report at the nearest tahsil office. An entry of the fact shall be made in the "roznamcha am"; but the finder is on no account to be detained, nor is the treasure to be examined at the police station further than may be necessary for the purpose of making a summary description of its nature.

Rule 8.

1723

386. The officer in charge of a police station, on receiving information that treasure has been found at any place within his jurisdiction, may, if he has reason to believe that notice of the finding has not been given to the Collector, or that attempts have been made to alter the treasure, make an inquiry as he would into a case of ownerless property. If upon inquiry he finds that notice has not been given, he shall report the case to the magistrate having jurisdiction for further orders; if he finds that notice has been given and that no reason for special precautions exists, he shall at once desist from any further inquiry into the case.

Rule 9.

1724

387. Upon receipt of the notice in writing referred to in section 4, the Collector shall hold a summary inquiry. If he is satisfied that the finder has unduly delayed giving the notice, or that the treasure found is stolen property, he may forward the case either to the magistrate having jurisdiction or to the Magistrate of the district.

Rule 10.

In every other case the Collector shall forthwith publish the notification prescribed by section 5 of the Act.

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388. The notification shall be published by beat of drum or in other fitting manner at the village within the boundaries of which the treasure has been found, and a copy of it shall be posted both at the tahsil and thana within the jurisdiction of which the village is situate. When the treasure found exceeds in value Rs.100 or if for some other cause special notice of the finding appears necessary, a copy of the

Rule 11.

Old paras. notification shall be published in the *Government Gazette*. Care must be taken when necessary to serve notice in writing under section 5(b) upon the person in possession of the place where the treasure has been found.

1726 **389.** Except as provided in section 6, no treasure shall be declared forfeit until, upon prosecution instituted under section 20 of the Act, the treasure shall have been pronounced by the magistrate to have been forfeited and returned as such to the Collector.

Rule 12.

1727 **390.** If the magistrate is satisfied that the person before him is not the finder of the treasure, he shall forward the property, as ownerless, to the Collector and refer any claimants other than the alleged finder to the Collector.

Rule 13.

1728 **391.** No claim made after the period set out in the notification published under section 5 shall be recognised by the Collector. If no claim is made within such period, the treasure becomes forfeit to the State and shall be dealt with like any other escheat.

Rule 14.

1729 **392.** No treasure shall be acquired under section 16 until notice has been given to, and sanction received from, the Government for the purposes of acquisition. The value of the materials of treasure found shall in the case of coins be held to be the intrinsic value of the metal.

Rule 15.

1730 **393.** The Act and the rules published thereunder shall be worked with care, leniency and discrimination, and the officers concerned must endeavour to avoid, as far as possible, causing annoyance to the finders of the treasure trove. When, in any case, money, sculpture, or other ancient remains, are discovered by any person on his own premises, he should be very rarely interfered with.

Rule 16.

1731 **394.** In the foregoing rules the word "Collector" means and includes any officer exercising the powers of an assistant collector of the first class and "tahsildar" includes the officer for the time being in charge of a tahsil.

Rule 17.

B—Rules regarding the disposal of coins found as Treasure Trove

1732 **395.** In all cases where coins are found as treasure trove the Collector shall report the find to Government in the General Administration Department if the coins that have been found appear to be old and not—

Report regarding old coins.

(a) of Government of India mintage,

(b) of British mintage, or

(c) coins struck at Calcutta, Murshidabad, Banaras and Arkot in the name of Shah Alam, dated the 19th Julus.

Old paras.

396. District Officers should also send a copy of the report together with specimens of the coins to the Secretary, Coin Committee, Uttar Pradesh (Curator of the State Museum), Lucknow. They must use their discretion about forwarding specimens ; where they are unable to

1733

Secretary, Coin Committee, to receive copy of report with specimens.

give an idea of the nature of the coins they should forward all in the case of small finds and, as far as possible, specimens of each variety in the case of larger finds. The Secretary, Coin Committee, will call for the remaining coins if he considers their examination necessary.

397. The Secretary of the Coin Committee, or some member thereof, will examine the find, prepare a detailed description of the coins and ascertain from the institutions on the distribution list whether they require any of the coins.

1734

Examination of find by Secretary, Coin Committee, and report to Government.

On receipt of their replies and, in important cases, after consulting the Coin Committee, the Secretary should report to Government in the General Administration Department the number of coins which should be acquired for presentation to coin-cabinets of museums and for sale at the Lucknow Museum, stating at the same time the intrinsic and the numismatic value of the coins to be acquired.

398. In making his report, the Secretary will be guided by the following principles :

1735

Distribution of coins found.

(1) If only one specimen is found, it should be presented to the Lucknow Museum.

(2) If more specimens are found they should be presented, as far as they will go, to the institutions which receive treasure trove coins found in Uttar Pradesh.

(3) A coin should not be presented to an institution which already has a specimen of the coin.

(4) Generally all rare specimens of coins should be proposed for acquisition. If any remain over after distribution, they should be kept for sale at the Lucknow Museum at their numismatic value.

399. On receipt of the Secretary's report, Government will pass orders regarding the acquisition of the coins. Those acquired will be distributed by Government and the remainder returned direct to the District Officer concerned for disposal under the Treasure Trove Act.

1735A

Acquisition of coins by Government.

400. The expenditure incurred by a District Officer in the purchase of those coins which have been acquired will be met from his contract grant. If the expenditure is large, Government will consider the question of an extra grant,

1735B

Grant for expenditure on coins.

Old paras.
1735C

401. Coins acquired by Government for sale will be forwarded to the Curator, State Museum, Lucknow, who will publish lists of such coins quarterly in the *Government Gazette*, or, if the importance of the coins warrants it, in important newspapers as well. The advertisement charges will be met from the contingent grant of the Lucknow Museum.

1735D

402. Copies of the lists of coins for sale will be sent to (a) the States who have expressed their desire to acquire coins, (b) members of the Numismatic Society of India, and (c) other numismatists who may register their names for the supply of the lists.

1735E

403. The coins purchased by States and others will be sent by the Curator of the Lucknow Museum, per value payable post.

1735F

404. The coins for sale which remain undisposed of at the Lucknow Museum for five years, should be sent by the Curator of the Lucknow Museum to the Mint Master, Calcutta, with the following certificate :

"Certified that the provisions of the rules regarding the disposal of treasure trove coins have been carried out in respect of —gold,—silver,—bullion and—copper coins sent herewith and that these coins can be melted without delay."

1735G

405. Coins forfeited to Government which are of no numismatic value and those of such value which have not been selected for distribution or sale should be sent by District Officers to the Mint Master, Calcutta, for being melted, after orders for the disposal of the find have been passed by Government and action under the Treasure Trove Act has been taken. The certificate referred to in paragraph 401 should also be sent with the coins.

1735H

406. The Mint Master will melt the coins sent to him for melting and assay, and, after deducting the cost of refining, etc., he will issue in favour of the Uttar Pradesh Government an outturn certificate for the value of the metal contained in the coins and then credit the amount to State revenues to the head "XLVI—Miscellaneous—Treasure Trove".

1735I

407. The Secretary, Coin Committee, will prepare an annual report which will be incorporated in the annual report of the State Museum, Lucknow.

Chapter XXIV—Pilgrimage

408. Pilgrimages for Haj/Ziarat are undertaken by the following routes from India :

Old paras.
639 to 649

Pilgrim routes, pilgrim passes and travel documents.

- (a) Hejaz, by the direct sea route to Jedda.
- (b) Iraq, Iran and Hejaz *via* Iraq. This route lies through the Persian Gulf or through Pakistan *via* Quetta.
- (c) Beyond Iraq to Saudi Arabia *via* the Najaf-Medina overland route.
- (d) By air to the above countries.

Government of India no. D-6735ME-46, dated August 8/13, 1946, and Government of India no. F-60/50: Awt. (H), dated July 7, 1950.

To enable entry into these countries intending pilgrims must be in possession of either a pilgrim pass in form S (Agency) 29 (for Hejaz) or S (Agency) 33 (for Iraq, Iran and Hejaz *via* Iraq) or a valid or duly endorsed passport in case it is proposed to extend travel beyond the above countries such as to Egypt, Syria, Jordan, Lebanon, etc., or to Europe. It would also be necessary to obtain a passport and not a pilgrim pass in any case where the period of stay either in Iraq or Iran is likely to *exceed three months*. A passport is necessary in the latter case as a residential permit from the local authorities is required for a stay exceeding three months and those permits are endorsed only on valid passports and not on pilgrim passes.

Similarly, pilgrims proceeding to Hejaz and intending to prolong their stay in Saudi Arabia beyond the Haj season should obtain regular international passports in place of pilgrim passes before proceeding on pilgrimage.

G.O. no. 5762 III-12(2)/54, dated July 20, 1954.

409. (1) Pilgrims intending to proceed on pilgrimage to Hejaz, Iraq or Iran may apply to the Tahsildar of the sub-division in which they are ordinarily resident for the grant of a pilgrim pass. In the case of a pass for the direct sea route to

Form of application for pilgrim pass and certificate of suitability.

Hejaz the application will be made in form S (Agency) 29A, while in the case of pilgrimage to Iraq, Iran and Hejaz *via* Iraq, the application should be in the form S (Agency) 199 (English), 200 (Urdu), 201 (English), or 202 (Urdu), as appropriate. In the case of pilgrimage to Saudi Arabia *via* the Najaf-Medina overland route, the application forms should be suitably amended and care should be taken to fill in the prescribed form S (Agency) 216 to cover the additional deposit of Rs.100 required in paragraph 4(iii) below. Copies of these forms of application may be obtained from the Manager, Government of India Forms Store, Calcutta.

Government of India no. F. 17-7/48, dated July 21, 1950 and Government of India no. F. 11-10/50: Awt., dated February 3, 1951.

(2) Where application is made for a pilgrim pass to Iraq, Iran or Hejaz *via* Iraq, the applicant must also furnish a certificate in the following form signed by any one of the authorities specified below the certificate. The certificate should have some official stamp or seal affixed with, or specify the designation of the Gazetted Government Officer issuing the certificate.

FORM OF CERTIFICATE

THIS IS TO CERTIFY THAT.....
 S/o..... is *bona fide*
 resident of
 in the district of..... He is
 respectable person. There is nothing objectionable against his being
 issued a pilgrim pass to visit the Holy Places in Iraq and Iran.

Gazetted Government Officer,
 Sub-Inspector of Police, Magistrate
 or Tahsildar, President, Panchayat
 Board.

NOTE—This certificate is *not* required in the case of pilgrims proceeding to Hejaz by the direct sea route.

G. O. no.
 3267/111.—
 12 (5)-49,
 dated June
 20, 1950.

410. Subject to the general control and supervision of the District Magistrate, Tahsildars have been appointed the sole authority for the issue of pilgrim passes within their tahsils. In doubtful cases, the Tahsildar will seek instructions from District Magistrate who will likewise refer any case to Government in which it is considered that a pass should not be granted or in which the circumstances are such as to require special guidance.

411. Pilgrim passes should be issued without undue delay. Before granting a pilgrim pass, the Tahsildar will require the applicant—

Government of
 India no. F
 17/7/48,
 dated Feb-
 ruary 13,
 1950.
 Govern-
 ment of
 India no.
 4840-N/39,
 dated March
 31, 1940.
 Govern-
 ment of
 India no.
 63-D. S.
 (Feawt)/50,
 dated July
 24, 1950.
 Govern-
 ment of
 India no.
 F. 31 (5)-
 Awt/51,
 dated Sep-
 tember 7,
 1951.
 Section
 206 of the
 Indian
 Merchant
 Shipping
 Act, 1923.

(a) To furnish an application in the prescribed form duly completed and in the case of pilgrimage to Iraq, Iran or Hejaz *via* Iraq, also the certificate required in paragraph 409 above.

(b) (i) In the case of pilgrimage to Hejaz *by the direct sea route*—to satisfy himself that the applicant is a *bona fide* pilgrim.

(ii) In the case of pilgrimage to Iraq, Iran, and Hejaz *via* Iraq—to produce either a return steam ship ticket or tickets for the journey from Iraq to India, or require him to remit to the Executive Officer of the Port Haj Committee at Bombay, Rs.160 on account of himself and each individual member of his family of 10 years of age and over, and Rs.80 for each individual below the age of 10 years who may be accompanying him on the pilgrimage. This deposit is required to recover the cost of possible repatriation. Pilgrims making the deposits with the Executive Officer should furnish him with particulars in the form given in Appendix 16. The Executive Officer will issue a receipt in duplicate for the amount deposited sending one copy to the pilgrim and the other to the pilgrim pass-issuing authority concerned. On receiving this receipt, the Tahsildar will enter in the pilgrim pass information regarding the amount deposited and then issue the pilgrim pass.

(iii) In the case of pilgrims making the overland journey from *Iraq to Saudi Arabia via the Najaf-Medina route* an additional amount of Rs.100 shall be remitted to the Executive Officer, Port Haj Committee, Bombay, in addition to the amounts specified in sub-clause (b)(ii) above. A separate form of receipt will be granted by the Executive Officer in respect of such payments and a pilgrim pass should only be granted after proof of payment has been received and care should be taken to fill in the prescribed form S. (Agency) 216.

(iv) In the case of pilgrims proceeding to the *Hejaz by air*—that they hold tickets for travel to the Hejaz on the aircraft of companies which have been permitted by the Government of India, Ministry of External Affairs, to carry pilgrims with pilgrim passes instead of passports. Normally such pilgrims should be in possession of return tickets except in exceptional cases where the air company has arranged with the shipping companies concerned for the return of such pilgrims.

(c) To have in his possession the following certificates obtained on the prescribed international forms for :

(1) vaccination against small-pox ; validity from the 14th day after vaccination to 3 years ;

(2) inoculation against cholera ; validity from 7th day after 2nd injection to 6 months ; interval between first and second dose to be not less than seven days and not more than 10 days.

It should be seen that the applicants are apparently in sound health and, in particular, that they have been inoculated against epidemic diseases such as, typhus, etc., and have the necessary certificates of inoculation, as these are required by the Iraqi authorities. The Government of Iran require that pilgrims from India should be in possession of valid international certificates to show them free from danger of cholera and small-pox and that with regard to cholera, pilgrims should, when necessary, submit to medical inspection. They should also obtain a "Certificate of Medical Inspection" from a Government Medical Officer certifying that they are not suffering from any infectious or contagious disease.

Notes —(1) In spite of elaborate instructions, a number of certificates issued to the pilgrims by the medical authorities are found defective. The correct procedure prescribed by the Port Health authorities and the prescribed international forms of certificates will be found in Appendix 4.

(2) Certificates of vaccination and inoculation will be issued free of charge by all Civil Surgeons and District Medical Officers of Health.

(3) Zaireen who do not get themselves inoculated against cholera and vaccinated against small-pox in their own native places can get themselves inoculated and vaccinated in Bombay. The production of inoculation and vaccination certificates by such persons will not, therefore, be insisted upon.

(d) To furnish proof that he is in possession of adequate means to pay for his journey and for his sojourn in the places being visited. Applicants should be in possession of sufficient funds to cover their own expenses and those of all members of their party.

Government of India No. 1570—PP/ VIII-882/ 46, dated August 10, 1945. Government of India no. D. 14941-M-E/54, dated October 9, 1944 and Government of India No. F.L.56/ 38-Haj, dated December 23, 1938.

(e) In the case of male pilgrims, to furnish a recent photograph to be affixed in the space provided for this purpose in the pilgrim pass form. The production and affixation of a photograph need not be insisted on in the case of women who object to being photographed or children under the age of ten years. It should, however, be remembered that affixation of a photograph facilitates identification and minimises the possibility of theft and sale of the pilgrim pass as shipping companies can thereby see whether the pass is in possession of the rightful owner before permitting embarkation.

412. The following further instructions with regard to pilgrim passes are noted for general guidance :

Further instructions regarding pilgrim passes.

(1) Pilgrim passes are intended for a single holder and must not include any other person except that sons and daughters under 15 years may be included in the case of pilgrims proceeding to Iraq, Iran, Iran and Iraq or Hejaz via Iraq. All pilgrims over the age of 15 years must obtain separate pilgrim passes.

(2) The validity of a pilgrim pass will be limited to a single journey from India and back. To ensure this the Tahsildar will (if not already printed thereon) make the following endorsement at the foot of page 2 of the pass [S. (Agency) 33] :

“ Particulars of the journey to be performed will be found on page 5 ”.

On page 5 of the pass he will then make the following entry :

“ NOTE—This pass is valid for a single journey from India to..... and back to India by the following route..... ”

Signature with date,

Designation. ”

The precise country or countries for which the pilgrim pass is issued should be clearly written.

NOTE 1.—The single journey endorsement is *not* necessary in the case of pilgrim passes for Hejaz by *direct* routes.

NOTE 2.—The Indian Consul General, Consuls or Vico-Consuls in Iraq, Hejaz and Iran are authorised to make alteration in the route on application by the pilgrim pass holder, if there appears to be good reason for doing so.

(3) Care should be taken to see that the national status of the applicant is correctly shown on the pilgrim pass. In this connection attention is drawn to the provisions regarding citizenship contained in Articles 5 to 9 of the Constitution.

(4) In case of pilgrims who made deposits to defray the cost of their return passage to India, the following particulars should invariably be recorded in passes issued to pilgrims for Iraq, Iran, Iran and Iraq or Hejaz via Iraq :

Government of India no. 8092-N/43, dated October 26, 1943 ;
Government of India no. F. 11-6/50-Awt. (H), dated April 17, 1950 ;
G.O. no. 3086/111-12(2)/52, dated June 26, 1952 ;
Government of India no. F. 8-11/47-Haj, dated September 30, 1948 ;
Government of India no. F. 22-3/48-Haj, dated October 2, 1948 ;
and
Government of India no. D. 14941-ME-44, dated October 9, 1944.

(a) Name of the Treasury or Sub-Treasury.

(b) Chalan no. and date.

(c) Head of Account credited.

(5) The number and date of issue should be clearly entered on pages 2 and 3 of the pilgrim pass.

(6) Pilgrims travelling to or through Iraq should be instructed to obtain necessary visa from the Iraqi Consulate at Bombay. Visas may only be granted to genuine Muslims and will not be granted to women unaccompanied by persons to care for them.

(7) Pilgrims travelling through Pakistan should either be in possession of a regular international passport valid for travel in Pakistan and other countries to be visited or an India-Pakistan passport valid for travel in Pakistan and a pilgrim pass valid for travel in Iraq, Iran, etc. No pilgrim pass can be made valid (or endorsed) for travel through West Pakistan. Pilgrims travelling to Kerbala through Iran should obtain an endorsement from the Iraqi Consul in India before leaving.

(8) There is no objection to pilgrims for Iran being issued with pilgrim passes in addition to passports. If they propose to travel on ordinary passports they should be advised to produce their pilgrim passes before the Iranian authorities in India so as to facilitate the grant of pilgrim visas on their passports.

NOTE—Whenever any distinguished Muslim is issued with a pilgrim pass for Hejaz the District Magistrate will inform Government of the pilgrim's name, position, etc., and the approximate date of his arrival at Hejaz so that such information may be transmitted to the Government of India. This is necessary so that the Consul General for India in Saudi Arabia may be informed accordingly in order that he may wherever possible receive the pilgrim and accord him necessary facilities in the Hejaz.

413. The Government of India have also authorised the Executive Officer, Port Haj Committee, Bombay, to issue pilgrim passes to Indian pilgrims proceeding by sea to Iraq, Iran and Hejaz via Iraq on receipt of a proper application in the prescribed form. Before issuing a pass the Executive

Issue of pilgrim passes by Executive Officer, Port Haj Committee, Bombay.

Officer will satisfy himself that the applicant is a *bona fide* pilgrim. For this purpose he will make an enquiry from the Superintendent of Police of the district to which the pilgrim belongs to ascertain whether there is any objection to the issue of a pilgrim pass to that person. A registration fee of Rs.6 per head will be charged for pilgrim pass and the proceeds will be credited to the Haj Fund of the Port Haj Committee, Bombay. Where such enquiries are made by the Executive Officer about intending pilgrims it should receive early attention and a reply sent with the least possible delay.

Government of India no. F. 17-14-47, Haj, dated January 5/7, 1950.

Government of India no. 63 D.S. (Fenwt)/50, dated July 24, 1950, and Government of India no. F. 31(5)-Awt-51, dated September 7, 1951.

414. Pilgrims going by air from India to Hejaz may travel on valid international passports or with pilgrim passes instead of passports. The grant of pilgrim pass in such cases is subject to the following conditions :

(1) That the pilgrims get their pilgrim passes registered by the Executive Officer, Port Haj Committee, Bombay, and pay the prescribed fee of Rs.6 for registration of each pass ;

(2) That pilgrims who intend to proceed to Europe after their pilgrimage at Mecca possess the normal international passports for their onward journey ;

(3) That all air pilgrims on arrival present themselves before the Indian Consul General at Jedda ;

(4) That the air line service by which such pilgrim travels has been permitted by the Government of India, Ministry of External Affairs to carry pilgrims with pilgrim passes instead of passports. If the pilgrim intends to travel by an air line service which has not received such permission then in such case he should not be granted a pass but should be informed that he should obtain a regular passport as he is not proceeding by an aircraft covered by the necessary permission from the Ministry of External Affairs.

Government of India no. T/52/74919/19 dated December 16, 1952 and Rule 124 of the Indian Pilgrim Ships Rules, 1933.

415. All pilgrims passes will be issued free of charge. The holder of a pilgrim pass for Hejaz by the direct sea or air route is, however, required to present it for registration to the Executive Officer of the Port Haj Committee, Bombay, who will charge a registration fee of Rs.6 and credit the proceeds to the Haj Fund at the disposal of the Committee.

Registration fee leviable for pilgrim passes issued free of charge.

Government of India no. F. 42-N/36, dated September 30, 1939 ; Rule 148 of the Indian Pilgrim Ships Rules, 1933.

416. (1) The deposit made with the Executive Officer, Port Haj Committee, Bombay to cover the cost of the return ticket or to meet the cost of possible repatriation is refundable by that authority to the pilgrim or his local nominee or legal representative, on application being made, if it is proved to the satisfaction of the Port Haj Committee that :

Refund of deposits.

(a) the pilgrim has been prevented from leaving India after he had made the deposit ; or

(b) the pilgrim has returned to India at his own expense within three years from the date of the issue of the pilgrim pass in the case of pilgrimage to Hejaz by the direct sea route and within two years of the date of issue in the case of pilgrimage to Iraq, Iran and Hejaz via Iraq ; or

(c) the pilgrim has died within the period specified in (b) above. If the pilgrim does not return to India within three/two years as the case may be from the date of issue of his pilgrim pass the deposit will lapse to Government.

(2) Applications for refund of deposit will be made in writing to the Executive Officer, Port Haj Committee, Bombay, within three/two years, as the case may be, of the issue of pilgrim pass. If no such application is made the deposit will lapse to Government. Similarly, unclaimed passage money liable to be refunded shall become the property of the Government if not claimed within three years from the last date of issuing a ticket during the outward pilgrim season in which the ticket was issued for which the unclaimed passage money was paid. All unclaimed deposits lapsing to Government will be credited to the Haj Fund. The Port Haj Committee has, however, discretion to consider applications for refund in special cases even after the period of three years has elapsed and may sanction the refund if the claims are otherwise admissible under the rules.

417. The Government of India have set up the Central Haj Committee to advise on matters relating to Haj pilgrimages and in addition organisations have been set up in certain States including Uttar Pradesh. The organisation in this State is known as the State Haj Committee which has its headquarters in Lucknow and consists of 9 members elected by Muslim organisations and 5 members nominated by Government. The function of this Committee is advisory and consultative; it acts as a link between the Central Haj Committee and the district organisations and it also looks after the welfare of pilgrims and all matters of interest to them. At the request of the State Haj Committee Government have appointed District Haj Committees and Hajis Friends who assist intending pilgrims in securing passes and disseminate information likely to be of use to them. District Haj Committees have been formed in almost every district and a Hajis Friend appointed in each town having a population of 500 or more Muslims.

G. O. no. 488
C/IV—122,
dated June 3,
1945, and
G. O. no.
1737/III—12
(2)/51, dated
March 10,
1951.

The District Haj Committees and Hajis Friends are furnished with information emanating from State and Port Haj Committees regarding matters affecting pilgrims; persons requiring assistance or information relating to pilgrimage should consult them in the first instance. In those cases where the district organisation is unable to furnish information or help, inquiry may be made from the State Haj Committee or from the Executive Officer, Port Haj Committee, Bombay, according to the nature of the enquiry. In cases where District Officers feel the need for guidance reference may, when necessary, be made to Government. Rules and instructions regarding pilgrimage will be found in the "Indian Pilgrim Ships Rules, 1933", "The Pilgrim Traffic Manual" and the "Guide for Pilgrims to the Hejaz".

418. A Muslim clerk of each Collectorate may be authorised to attend to the work of the District Haj Committee in his spare time and accept such remuneration as the District Haj Committee may give him provided he is prepared to undertake the work. It should, however, be noted that no

G.O. no. 1486
(1)/III—12
(1)/47, dated
July 1, 1947.

**Clerical assistance to
District Haj Committees.**

element of compulsion should be introduced and it must be left entirely to the clerk himself to decide whether or not to undertake this work in his spare time. If it appears that the volume of the work involved cannot be done by a clerk in his spare time outside office hours, then he should not take up the work.

G. O. no.
2570/III—
323/42, dated
August 22,
1942

419. In order to assist in the dissemination of information useful to intending pilgrims, permission has been accorded for official bulletins relating to Haj traffic to be displayed on notice boards in court compounds and Government offices. Where feasible, arrangements should be made with local bodies to utilise their notice boards for similar purposes.

Old para.
649

420. In all cases of deaths of pilgrims in Bombay and in Hejaz the Executive Officer, Port Haj Committee, Bombay, has been authorised to receive direct from the Consul General at Jedda the proceeds of their estates and to arrange for their disposal in direct correspondence with the District Officer. In the event, therefore, of any application being made regarding the estate of any pilgrim said to have died in Hejaz, the District Officer should refer to the Executive Officer of the Port Haj Committee of the port of embarkation.

Chapter XXIV—Miscellaneous

A—Official calls

421. Heads of departments should impress on officers subordinate to them the necessity of calling officially on the Commissioner of the division in which they are serving, as it is necessary that he should be acquainted with them. It should be remembered that the Government of the country is one entity and not a disunited set of departments and that the Commissioner in his division represents Government in all matters relating to the civil government of the division. Old par. s.
533

422. Heads of departments when visiting districts should as a general rule take the opportunity of conferring with the Magistrate (and, when the district is a divisional headquarters, with the Commissioner as well) on the various subjects connected with their departmental inspections in order to learn the views of the district and divisional officers and to bring to their attention any matters which are of importance. The Deputy Inspectors General of Police when visiting districts should invariably meet the Magistrate. 534

B—Relations between Magistrates and Judges

423. Whenever the Chief Justice or any other Judge of the Allahabad High Court visits a district on inspection duties the District Magistrate will himself call on the Judge and also instruct every Sub-Divisional Officer who may be in the station at the time to also pay a formal call by leaving their cards. The District Magistrate concerned will be informed in advance of the Judge's tour programme on the occasion of such visits. D. O. no. 48,
dated March
14, 1942.

424. Whenever a new Collector or a new District Judge is posted to a district all Deputy Collectors and Judicial Officers and all officers of the judicial service below the rank of District Judge should call on the new Collector or new District Judge as the case may be. When there is a change in Collectors the new Collector should call upon the District Judge. Similarly, when there is a change of District Judges the new District Judge should call upon the Collector. D. O. no. 48
dated March
14, 1942.

C—Memoranda by Commissioners and District Officers on transfer

425. Every Officer who leaves a district of which he has been in charge for more than a year, on transfer or retirement or on leave in circumstances which make it unlikely that he will return to the district, should record for the use of his successor a careful and exhaustive memorandum containing all points of which 535

Old paras. it is important that his successor should be informed. Such remarks will be recorded in a confidential book or in a note to be retained on a single confidential file to be kept in the District Officer's personal confidential records.

Additions will be made by successive officers who have held charge for the prescribed term. An officer whose tenure has not exceeded one year, should record a similar memorandum on those matters regarding which he possesses information, which should, in his opinion, be communicated to his successor.

536

426. Subjects of which mention should be made in the memorandum referred to in the above paragraph include :

(a) The economic condition of the district with reference to the manner in which it is affected by the incidence of the revenue assessment and also with reference to the liability of different parts of the district to calamities, such as famine or flood and to any relief measures, such as distribution of taqavi which might have been undertaken recently.

(b) Comment on the state of industry and labour conditions with special reference to existing disputes and relations between employers and employed.

(c) The working of the police and the state of crime in the district.

(d) The working of the Municipal and District Boards and other similar bodies.

(e) The political situation with suitable references to persons who are particularly helpful or particularly troublesome in such matters.

(f) Notes on the communal situation and any special difficulties in connexion with festivals and the like.

(g) The working of local institutions, such as colleges and hospitals, particularly those for which the District Officer may have a special responsibility as a member of the managing committee.

(h) Any special notes that may be needed on the leading personalities of the district or persons of special influence, whether for good or bad.

(i) Any necessary comments on military matters in districts in which troops are stationed.

(j) Necessary notes on the character and work of the district staff, particularly when the successor will be required to write confidential reports within six months of taking over charge.

537

427. If a District Officer is proceeding on short leave and if he has been informed that he is likely to be reposted to the same district, then this memorandum may be limited to those matters likely to require attention during his leave.

- 428.** A Commissioner making over charge of his office, except during short leave, should record a similar memorandum regarding his divisions in respect of such matter on which his successor should be informed. Old paras.
- Memorandum by Commissioner on transfer of charge.**

D—Residences of officials

- 429.** Every officer on being posted to a station is expected to provide himself with house accommodation suitable to the post he occupies, if such accommodation is available. He ought to take the house, if any, usually occupied by the person holding that post, and not to allow it to pass into other hands. Similarly, an officer leaving a station should communicate with his successor and should try to reserve the house which he has occupied for his successor unless the District Officer agrees that such a course is unnecessary. 538
- Occupation of suitable houses and reservation of houses on transfer.**

The District Officer will in appropriate cases bring this rule to the notice of an officer who does not take the house occupied by his immediate predecessor. If the officer does not then comply with the provisions of the rule, the District Officer should report the matter for the orders of Government.

- 430.** (1) Where a Government servant is transferred, there should be no unreasonable delay in allotting accommodation to his successor. If a proper allotment order is passed, the successor will be liable for the rent and non-occupation of the house in question will not be an excuse for non-payment. If the officer does not wish to take the house allotted to him, he should have the allotment order cancelled immediately. G. O. no.
U. O. 838/
111-48, dated
July 26,
1948.
- Payment of rent for houses allotted to Government servants.**

(2) Government expect that their employees will pay rent regularly and punctually for residential accommodation allotted and any harrassment of house owners in this respect will render the Government servant responsible liable to disciplinary action. If in any case, the owner refuses to accept the rent, it should be sent to him by money order. Cases of chronic default in payment of rent should be reported by the District Officer to the Commissioner of the Division who will either deal with the matter himself or if necessary report to Government.

- 431.** Treasury Officers are authorised to deduct from the salary bills of the officials concerned such sums as the report of the Executive Engineer may show to be due on account of rent of public buildings occupied by the said officials. Any objection which Government servants may have to make regarding the amount so charged should be submitted to the Executive Engineer who will authorise the Treasury Officer to make any refunds or retrenchments which may be required. 1392
- Deduction from salary for rent of public buildings.**

Old paras,
542 and
543

432. (1) Officers occupying Government bungalows as residences should, prior to vacating them on transfer or leave, invariably give due notice either to the Executive Engineer of the division or to the District Engineer of the district in respect of residences under the charge of the P. W. D., or to the departmental officer concerned in respect of buildings under the administrative charge of other departments. The notice should specify the date on which the bungalow will be vacated and the name of the successor.

(2) Treasury Officers who prepare last pay certificates, should correct Public Works Department's form no. 44-B in case the recovery of rent is not correctly filled in owing to the Executive Engineers not having received timely notice of the vacation of the bungalow.

539-541
and 542A

433. Rules regarding the occupation of residential houses which are the property of Government are contained in rules 45 and 45-A of the U. P. Fundamental Rules and in Chapter IV of the Subsidiary Rules contained in the Financial Handbook, Volume II.

E—Entertainments

434. The law relating to cinematographs is contained in the Cinematograph Act of 1918. Under section 4 of that Act, the District Magistrate is the licensing authority but the grant of licences must be in accordance with the provisions of section 5 and is subject to the control of the State Government. The attention of all District Officers is drawn to the instructions annexed to G. O. no. 5216(1)/III—7(5)-48, dated January 2, 1952, and those instructions must be strictly observed in dealing with any proposal for the construction of a new cinema house. In particular, attention is drawn to paragraphs 2 and 3 of the instructions under which (i) a report and papers are to be submitted to Government in the General Administration Department before Government's approval is given to the plan of the proposed construction; and (ii) the need for referring the case again to Government for the grant of a licence after the construction of the building has been completed. It is imperative that these instructions are *fully complied with and are not overlooked*. District Officers are also expected to be thoroughly familiar with the rules made by Government under section 9 of the Cinematograph Act as they are responsible for the application and enforcement of those rules contained in the booklet published separately.

G. O. no.
2777(1)/III-
80 / 1942,
dated August
8, 1942.

435. (1) Under rules 5 and 37 of the U. P. Cinematograph Rules, the Electrical Inspector assisted by his staff is responsible for the inspection of all electrical installations in cinemas. Such inspections will check and ensure that the electrical installations conform with the requirements of rule 25 of the Cinematograph Rules and also with the relevant Indian Electricity Rules as the licensee is under rule 11 of the Cinematograph Rules bound to

Responsibility for compliance with Cinematograph Rules.

comply with the provisions of the Indian Electricity Act, 1910 and the rules framed thereunder in so far as they are applicable to cinemas.

(2) On completion of his inspection the Electrical Inspector will send his report to the District Magistrate in duplicate who will see that prompt action is taken thereon and all defects remedied. An annotated copy of the inspection note showing the action taken should be sent to the Electrical Inspector within a reasonable time.

(3) The District Magistrate is responsible to ensure that managements of cinemas comply with the provisions of the rules. For this purpose detailed inspections should be made from time to time by an officer of the District staff assisted by the Entertainment Tax Inspector, if any, and which inspections will be in addition to those undertaken by the officers authorised under rule 6 of the U. P. Cinematograph Rules. Laxity in the enforcement of rules particularly those relating to ventilation, exits, fire extinguishers, and sanitary arrangements, may result in serious accidents or injury to the health of persons attending cinemas. These are matters of importance for which Government would stress the special responsibility of the District Magistrate.

(4) Technical Officers who are empowered to inspect cinemas should confine themselves strictly to matters falling within the sphere of the functions assigned to them under the rules. In no circumstances should they issue any instructions to exhibitors or others direct regarding observance of the rules or removal of the defects noticed. The report embodying the result of the inspection and also any suggestions for improvements should be submitted in duplicate to the District Magistrate who alone will issue any direction necessary to the management of the cinema concerned.

G. O. no.
2630/111—7
(31)-52.
dated July
11, 1952.

(5) The provisions of the rules relating to electrical installations require careful compliance in accordance with the advice of the Electrical Inspector and in particular, attention is drawn to rule 4(d) and rule 5. It should be remembered that the District Magistrate takes on himself a serious responsibility if he issues a licence before the installation has been inspected and certified by the Electrical Inspector and he should ensure that defects in the electrical installation brought to notice by the Electrical Inspector are removed without undue delay.

436. Government have imposed a tax on entertainments and amusements and on certain forms of betting.

Entertainment and Betting Tax.

The Act imposing this tax is known as the U. P. Entertainment and Betting Tax Act, 1937,

and applies to municipalities, cantonments and notified and town areas and to any other local areas in the State to which it is extended. The duties and powers of District Officers in regard to the administration of this tax are contained in rules under section 9(1) published in a separate pamphlet.

G. O. no.
3159(1)/III—
6(21)-48,
dated Octo-
ber 18,
1948.

437. Government servants are strictly prohibited from asking for, accepting or making use of free passes for cinemas, theatres and other places of entertainment. Severe disciplinary action will be taken against any Government servant who is found to have disobeyed this order.

Government servants
not to accept free passes.

F—Holidays

Old Paras.
1671

438. The term "Gazetted holidays" used in Article 220 of the Civil Service Regulations includes :

Definition of Gazetted
holidays.

(a) holidays prescribed or notified under section 25 of the Negotiable Instruments Act, 1881 ;

(b) holidays on which, by Government notification in the *Gazette*, any public office is ordered to be closed for the transaction of public business without reserve or qualification.

The term does not include local holidays which may be sanctioned under paragraph 441.

1673

439. Public holidays, under the Negotiable Instruments Act, 1881, are declared and published by Government annually and apply to all treasuries and sub-treasuries and to all public offices in the State.

In addition, Sundays, New Year's Day, Good Friday and Christmas are also public holidays as given in the "Explanation" under section 25 of the above Act.

Holidays under the
Negotiable Instruments
Act.

1674

440. Government may also declare such further holidays as deemed proper having regard to the maintenance of efficiency and discharge of public business.

441. Local holidays may be sanctioned by District Officers for their offices subject to the following limits :

Local holidays.

(a) Local holidays are not to be given except on the occasion of some festival or other ceremony of special local importance.

(b) Local holidays must not be allowed on the occasion of general ceremonies (such as Chehlum) unless gazetted by Government, nor must they be given in extension of the holidays gazetted for such occasions.

(c) The number of local holidays should not in any district exceed five in the year and the dates on which it is considered necessary to keep such holidays, with the reasons therefor, should be reported to the Commissioner at the beginning of each calendar year.

If more than five local holidays are necessary, sanction of Government must be previously obtained.

1675
G. O. no.
3502/III—
111-45, dated
November
19, 1945

1676

442. The holidays sanctioned may be availed of by all Government servants employed in the offices closed, subject to—

Availability of sanctioned
holidays.

(a) skeleton staff attending *when necessary* for the disposal of urgent work, and

(b) the reservation that the head of office may stop a holiday in the case of any individual guilty of idleness or inattention to duty, unless the day in question is deemed specially sacred by the members of the religion professed by the offender.

G—Wild animals

443. (1) The following scale of rewards has been sanctioned for the destruction of wild animals in Uttar Pradesh :

				Rs.	
Tigers	..	..	..	200	
„ cubs	..	..	..	80	
Leopards	..	..	..	120	
„ cubs	..	..	..	40	
Himalayan black bears	..	..	..	3	Except in the Gonda District.
Himalayan bear cubs	..	..	..	3	Ditto.
Himalayan or sloth bears over 3 feet in length.	..	..	..	15	In the Gonda District.
Himalayan or sloth bear cubs three feet or under.	..	..	..	5	In the Gonda District.
Wild dogs	..	..	..	15	
„ pups	..	..	..	15	
Hyenas	..	..	..	15	
Hyena cubs	..	..	..	5	
Wolves	..	..	..	10	
Wolf cubs	..	..	..	5	

Old paras.
1736.

G. O. no.
958/XII—
272, dated
June 23, 1910.
G. O. no.
1393/III—
53-52, dated
August 19,
1952.
G. O. no.
3530/III—
116/50, dated
September
20, 1950.
G. O. no. 833/
111—262,
dated May
31, 1912.
G. O. no.
1311, dated
August 26,
1912.
G. O. no. 354/
III—129,
dated March
18, 1925.

(2) District Magistrates are empowered to sanction a reward up to Rs.500 in any one case or in any areas where a proclaimed man-eater (tiger or leopard) is operating, subject to the condition that such sanctions are immediately reported to Government for information. Proposals for rewards in excess of Rs.500, in any one case, should be referred to Government for sanction, through the Commissioners of Divisions, explaining the reasons in support of the proposals.

NOTE—Any hyena or wolf that can carry off a child may be considered as full grown and a full reward should be paid for its destruction.

1736-37

444. District Officers should either pay the reward themselves or entrust the duty to a Magistrate of experience. In the case of wolves, hyenas and wild dogs, where fraud by the substitution of other animals is possible, the reward should only be paid when the complete skin is produced which should be destroyed in the presence of the officer giving the reward to prevent its being presented again for the same purpose. Skulls of wild animals which may be brought in for rewards should ordinarily be broken up before the reward is paid. If, however, the District Officer considers that in any particular case it is unnecessary to have a skull broken he shall certify on the order for payment of reward that he has satisfied himself from his personal knowledge of the claimant that there is no risk of fraud being perpetrated.

NOTE 1—In Appendix 17 will be found guidance in distinguishing cubs of wolves from those of jackals and foxes.

NOTE 2—Care should be taken to frustrate the device some times resorted to of substituting jackals' heads for wolves' heads, the heads being filled with straw and the skin sewn over in order to increase the apparent size.

Old paras.
1738.

445. The rewards sanctioned from time to time for the destruction of wild animals will be paid for live animals sent to the Prince of Wales Zoological Gardens, Lucknow. District Officers should, however, first communicate with the Administrator of the Prince of Wales Zoological Gardens Trust with regard to any specimens expected to be available. If the specimens are accepted for the Lucknow Zoo, the Administrator will make the arrangements necessary for the transport of the animals or other specimens to the Zoological Gardens and also for any keeper or attendant if one is required to take charge of the animals or birds during the journey. The cost incurred in sending the animals such as freight charges, feeding, etc., will be paid by the Administrator from funds at his disposal and any arrangements necessary in respect of such payments should be made beforehand.

H—Miscellaneous

559

446. (1) Immediately on the occurrence of a fire in any public building, owned by the Government of India, or the State Government or by a local authority, the departments concerned should at once enlist local assistance and at the same time report the matter to :

- (a) The District Magistrate ;
- (b) The Superintendent of Police ;
- (c) The Executive Engineer of the Division.

(2) The Magistrate will issue such orders as he may consider necessary to enable the situation to be dealt with as expeditiously as possible.

(3) The local head of the department in occupation will see that necessary steps are taken to safeguard all Government property and official records in the building.

(4) The Superintendent of Police will be responsible for taking such precautionary measures as may be necessary to guard the property and its contents, for organising assistance, and for keeping the public clear of the building.

(5) The Executive Engineer will be responsible for taking such measures as are possible for prevention of accidents or other structural damage, and after the fire has been extinguished he will, in consultation with the local head of the department concerned, prepare an estimate of the cost of such work as may be necessary to restore the damaged portion of the building.

447. District Officers should not order the destruction of any railway embankment or bridge or other large work, whether it be the property of the State or of a private company without taking the advice of some responsible professional officer. Before proceeding in any such matter, the engineering authorities charged with the control of the work and the railway or other authorities concerned should be consulted and Government must be informed immediately of any action proposed in every such case.

Cutting of railway embankments, bridges, etc.

Old para. 360

448. In as much as the names of Government servants are entered in official records and in certain cases officers execute documents on behalf of Government it has been decided that no Government servant under the administrative control of the State Government will ordinarily be allowed to change his name. If, however, there are exceptional and adequate reasons Government will be prepared to make an exception, provided due publicity is given and no room is left for any fraud or deception. Hence, any applicant desiring to change his name will be required to give notice of such intention in the State newspapers and also in some papers published in the locality where he ordinarily resides. This is particularly necessary in the case of gazetted officers and Government will also cause notice of the proposed change to be published in the *Gazette*.

Applications by Government servants for change of name.

G. O. no. 3497/111—500(5)-1946, dated November 26, 1946.

449. Extreme economy should be observed in presentation of addresses of welcome.

Economy in the presentation of addresses.

In no case should such addresses be placed in expensive caskets and in particular gold, silver or precious stones should not be used for such purpose.

G. O. no. B-1893/11—B-49, dated December 20, 1949.

450. Government servants who wish to join the St. Johns Ambulance Brigade may be permitted to enrol themselves as members and to receive the necessary training from that organisation. The grant of permission in such cases will, however, be always subject to the condition that it does not interfere with the efficient discharge of their official duties by the Government servants concerned. Government servants permitted to join the Brigade should ordinarily be required to undergo the necessary training, etc., outside office hours. In any case, however, where this is not possible, there will be no objection to the period of training, etc., being treated as casual leave to the extent such leave is due and as special casual leave to the extent casual leave is not due. Government will not be responsible for any risk, damage, or other consequences arising out of or during the course of membership or training with the Brigade. Furthermore, the State Government will not pay any travelling allowance or out of pocket expenses.

Enrolment in St. Johns Ambulance Brigade.

G. O. no. 4705/111—100-50, dated May 25, 1950.

Old paras.

740

451. When Nepalese subjects, whose heirs are in Nepal, die in Uttar Pradesh, any officer wishing to dispose of their estate should send to the Indian Ambassador at the Court of Nepal information showing the value of estate in full and *at the same time* giving the name of the person nominated by the deceased as heir and his complete home address in Nepal showing if possible the names of village, thum, zilla and tahsil and of also any other person to whom the value of the estate may be paid in the event of the nominated heir being untraceable or dead. If possible, to help the Nepalese local authorities in tracing the heir it may also be stated where the deceased usually went for the Dasschra festival festivities when going home to Nepal. The Nepalese Government will arrange to make over the money payable from the estate to the nominated heir, or failing him, to the next legal heir. The payee's receipt will when received from the Nepalese authorities be then forwarded by the Indian Ambassador to the officer from whom the report issued, or in the event of the heir or other authorised payee not being forthcoming, the value of the estate will be returned.

G. O. no. 42/
XXIV—78(4)
47, dated
February 28,
1950.

G. O. no.
32/XXIV—
78(4) 47,
dated March
5, 1949.

452. (1) Government responsibility for the maintenance and control of British graves and cemeteries was transferred to the United Kingdom High Commissioner in India with effect from 1st April, 1948. Hence, neither the Government of India nor the State Government are responsible to make good any damage done in such cemeteries and such repairs will not be undertaken at the cost of Government.

(2) All practicable assistance should be afforded to Boards, Committees and individuals who are charged with the local maintenance of cemeteries on behalf of the High Commissioner for the United Kingdom in India, in regard to safeguarding them against destruction and desecration.

561.

453. Government will not interfere either directly or indirectly with the election of *chaudharies of cartmen* or other traders nor should the name of an elected *chaudhari* be registered in any district office.

IV—POLITICAL DEPARTMENT

*(Abolished and Work Transferred to General
Administration Department)*

V—MEDICAL DEPARTMENT

Chapter XXVI—Rules and orders of the Medical Department

454. The orders of Government in this Department are contained in the Uttar Pradesh Medical Manual.
U. P. Medical Manual.

Chapter XV of that Manual contains instructions regarding medico-legal work and includes rules regarding post-mortem examinations and transmission of substances for examination by Chemical Examiner to Government. Those directions set out the responsibility of police officers, magistrates and civil surgeons in relation to medico-legal work and should be noted for guidance.

455. The law and rules relating to the treatment of lunatics, both criminal and non-criminal, are given in the Mental Hospitals Manual.
Lunacy.

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Magistrates are responsible for the careful performance of their statutory duties under the Indian Lunacy Act (IV of 1912). They should be careful to distinguish between procedure in passing orders "on petition" and "otherwise than on petition" and ensure that no lunatic is sent to a mental hospital except with a reception order in proper form.

The rules made under section 91 of the Indian Lunacy Act, 1912 are reproduced in Appendix 18.

VI.—HOME (CRIMINAL) DEPARTMENT

Chapter XXVII.—Jurisdiction

A—Sessions Divisions

456. The Sessions divisions in the State comprise the districts Old Para-
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Sessions divisions, shown below :

Sessions divisions			Districts
(1) Saharanpur	..	..	(1) Dehra Dun and Saharanpur.
(2) Meerut	..	..	(2) Meerut and Muzaffarnagar.
(3) Aligarh	..	..	(3) Aligarh.
(4) Bulandshahr	..	..	(4) Bulandshahr.
(5) Etah	..	..	(5) Etah.
(6) Kumaun	..	..	(6) Almora, Naini Tal, Garhwal and Tehri-Garhwal.
(7) Moradabad	..	..	(7) Moradabad and Bijnor.
(8) Rampur	..	..	(8) Rampur.
(9) Budaun	..	..	(9) Budaun.
(10) Bareilly	..	..	(10) Bareilly and Pilibhit.
(11) Shahjahanpur	..	..	(11) Shahjahanpur.
(12) Agra	..	..	(12) Agra.
(13) Mathura	..	..	(13) Mathura.
(14) Farrukhabad	..	..	(14) Farrukhabad.
(15) Mainpuri	..	..	(15) Mainpuri and Etawah.
(16) Jhansi	..	..	(16) Jhansi, Jalaun, Banda and Hamirpur.
(17) Kanpur	..	..	(17) Kanpur and Fatehpur.
(18) Allahabad	..	..	(18) Allahabad and Mirzapur.
(19) Gorakhpur	..	..	(19) Gorakhpur and Deoria.
(20) Basti	..	..	(20) Basti.
(21) Azamgarh	..	..	(21) Azamgarh.
(22) Banaras	..	..	(22) Banaras including the Banaras State [as defined in the Banaras State (Administration) Order, 1949] and Jaunpur.
(23) Ghazipur	..	..	(23) Ghazipur and Ballia.
(24) Lucknow	..	..	(24) Lucknow.

Sessions divisions		Districts
(25) Bara Banki ..	..	(25) Bara Banki.
(26) Unnao ..	..	(26) Unnao.
(27) Sitapur ..	..	(27) Sitapur.
(28) Hardoi ..	..	(28) Hardoi.
(29) Faizabad ..	..	(29) Faizabad and Sultanpur.
(30) Gonda ..	..	(30) Gonda and Bahraich.
(31) Rae Bareli ..	..	(31) Rae Bareli and Pratapgarh.

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457. Each Sessions Judge in his group of Judgeships listed below is appointed an Additional Sessions Judge in the court of the other Sessions Judge in his group for the purpose of hearing urgent applications for bail and issuing warrants under section 381 of the Code of Criminal Procedure during the temporary absence or temporary incapacity from illness of such Sessions Judge :

(1) Saharanpur	}	(19) Azamgarh	}
(2) Meerut		(20) Ghazipur	
(3) Agra.	{	(21) Gorakhpur	{
(4) Mainpuri		(22) Basti	
(5) Bareilly	{	(23) Rampur	{
(6) Kumaun		(24) Moradabad	
(7) Bareilly	{	(25) Etah	{
(8) Shahjahanpur		(26) Aligarh	
(9) Bareilly	{	(27) Mathura	{
(10) Budaun		(28) Agra	
(11) Farrukhabad	{	(29) Lucknow	{
(12) Aligarh		(30) Bara Banki	
(13) Bulandshahr	{	(31) Rae Bareli	{
(14) Aligarh		(32) Unnao	
(15) Shahjahanpur	{	(33) Sitapur	{
(16) Budaun		(34) Hardoi	
(17) Jhansi	{	(35) Faizabad	{
(18) Kanpur		(36) Gonda	

B—Divisions of Districts

458. Under section 8(1) of the Code of Criminal Procedure, 1898 and section 11(2) of the U. P. Land Revenue Act, 1901 the districts in the State have been divided into the following sub-divisions :

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Districts	Sub-divisions.
Dehra Dun	.. Jaunsar Bawar, Mussoorie Municipality with the villages of Binhar, Dhulani Koti, Misra's Patti, Bakarna, Rikholi, Bhitari, Kiarkuli, Bhatta, Domgaon, Jharipani, and Makreti in the Western Doon, and Chamansari, Karwan, Karanpur, Nali Kalan, Nali Khurd, Majhara, Kalrigarh, Bhatber, and Bagda Dhoran in the Eastern Dun. Dehra tahsil (remainder).
Saharanpur	.. Saharanpur tahsil. Deoband tahsil. Nakur tahsil. Roorkee tahsil.
Muzaffarnagar	Kairana tahsil. Jansath tahsil. Budhana tahsil. Muzaffarnagar tahsil.
Meerut	.. Meerut City, i.e., Meerut Municipal area, for criminal work only. Meerut tahsil (remainder). Ghaziabad tahsil. Mawana tahsil. Baghpat tahsil. Sardhana tahsil. Hapur tahsil.
Bulandshahr	.. Anupshahr tahsil. Bulandshahr tahsil. Sikandrabad tahsil. Khurja tahsil.
Aligarh	.. Sikandra Rao tahsil. Hathras tahsil. Iglas and Khair tahsils. Aligarh tahsil. Atrauli tahsil.
Mathura	.. Mathura tahsil. Chhata and Mat tahsils. Sadabad-Mahaban tahsil.

Districts	Sub-divisions
Agra ..	Itmadpur and Firozabad tahsils. Bah and Fatehabad tahsils. Agra city, i.e., the area of the Agra Municipality and Cantonment for criminal work only. Sadar Tahsil (remainder). Khairagarh and Kiraoli tahsil.
Farrukhabad ..	Kanauj tahsil. Kaimganj tahsil. Chhibramau tahsil. Farrukhabad tahsil.
Mainpuri ..	Bhongaon tahsil. Kathal and Shikohabad tahsils. Mainpuri and Mustafabad tahsil.
Etawah ..	Etawah tahsil. Bharthana tahsil. Bidhana tahsil. Auraiya tahsil.
Bareilly ..	Bareilly tahsil [for purposes of criminal work the Bareilly tahsil is divided into two sub-divisions, viz. (a) the Kotwali Killa, Baradari and Cantonment thanas, and (b) the rest of the Bareilly tahsil]. Faridpur tahsil. Aonla tahsil. Nawabganj tahsil. Baheri tahsil.
Bijnor ..	Bijnor tahsil. Dhampur tahsil. Nagina tahsil. Najibabad tahsil.
Budaun ..	Gunnaur tahsil. Bisauli tahsil. Sahaswan tahsil. Budaun tahsil. Dataganj tahsil.
Moradabad ..	Moradabad Kotwali police circle for criminal work only. Moradabad tahsil (remainder). Thakurdwara tahsil. Sambhal tahsil. Bilari tahsil. Amroha tahsil. Hasanpur tahsil.

Districts	Sub-divisions
Shahjahanpur ..	Jalalabad tahsil. Powayan tahsil. Shahjahanpur tahsil. Tilhar tahsil.
Pilibhit ..	Bisalpur tahsil. Pilibhit and Puranpur tahsils.
Rampur ..	Rampur (tahsils Hazur and Bilaspur) Milak (tahsils Milak and Shahabad) Suar.
Kanpur ..	Kanpur City, i.e., the areas within the limits of the Kanpur Municipality, Juhi Notified Area and Kanpur Cantonments for criminal work only. Kanpur tahsil (excluding Kanpur, Kanpur City for criminal work only). Bilhaur. Akbarpur tahsil. Derapur tahsil. Bhognipur tahsil. Ghatampur tahsil.
Fatehpur ..	Fatehpur tahsil (parganas Haswa and Fatehpur). Fatehpur tahsil (parganas Ghazipur, Aya Shah and Muttaur). Khajuha tahsil. Khaga tahsil.
Banda ..	Banda tahsil. Naraini and Baberu tahsils. Karwi and Mau tahsils.
Hamirpur ..	Kulpahar and Mahoba tahsils. Maudaha and Bath tahsils. Hamirpur tahsil.
Allahabad ..	Allahabad City, i.e., Allahabad Municipality and cantonment areas for criminal work only. Chail tahsil (remainder). Meja Tahsil. Karchhana tahsil. Soraon tahsil. Phulpur tahsil. Handia tahsil. Sirathu and Manjhanpur tahsils.
Jhansi ..	Jhansi and Moth tahsils. Mau and Garotha tahsils. Lalitpur and Mahroni tahsils.
Jalaun ..	Kalpi and Jalaun tahsils. Orai and Konch tahsils.

Districts	Sub-divisions
Banaras	.. Banaras City, i.e., the areas within the jurisdiction of the Banaras City police station. Banaras tahsil excluding the areas included in the Banaras City sub-division. Chandauli tahsil. Chakia. Bhadohi (Gyanpur).
Mirzapur	.. Mirzapur City for criminal work only. Mirzapur tahsil (remainder). Chunar, Robertsganj and Dudhi tahsils.
Jaunpur	.. Kerakat and Mariahu tahsils. Khutahan tahsil. Jaunpur tahsil. Machhlishahr tahsil.
Ghazipur	.. Ghazipur tahsil. Muhamadabad tahsil. Saidpur tahsil.
Ballia	.. Bansihi tahsil. Ballia tahsil. Rasra tahsil.
Gorakhpur	.. Maharajganj tahsil. Gorakhpur Sadar tahsil. Bansgaon tahsil. Pharanda tahsil.
Basti	.. Harraiya tahsil. Bansi tahsil. Domariaganj tahsil. Basti tahsil. Khairabad tahsil.
Azamgarh	.. Azamgarh tahsil. Muhammadabad tahsil. Sagri tahsil. Ghosi tahsil. Phulpur tahsil. Lalganj tahsil.
Deoria	.. Deoria Padrauna. Hata. Salempur.
Naini Tal	.. Kashipur tahsil. The Tarai and Bhabar tahsils. The hill pattis of the district.

Districts	Sub-divisions
Almora	.. Pali Pachhaun and Phaldakot parganas. Baramandal and Chaugarkha parganas. The rest of the district. Ganga, Mulla and Talla Salan and Chandkot parganas.
Garhwal	.. Barahsyun pargana, pattis Dhajuli, Choprakot and Chauthan of Chandpur pargana and all pargana Dewalgarh except patti Ranigarh. The rest of the district.
Tehri-Garhwal	.. Uttar Kashi-Rawain. Pratapnagar-Tehri. Kirtinagar-Deva Prayag. NOTE—Pratapnagar and Tehri are separate tahsils.
Lucknow	.. Lucknow City, i.e. the Lucknow municipal area for criminal work only. Lucknow tahsil (remainder). Malihabad tahsil. Mohanlalganj tahsil.
Unnao	.. Unnao tahsil. Safipur tahsil. Purwa tahsil. Mohan tahsil.
Rae Bareli	.. Rae Bareli tahsil. Maharajganj tahsil. Dalman tahsil. Salon tahsil.
Sitapur	.. Sitapur tahsil. Misrikh tahsil. Sidhauri tahsil. Biswan tahsil.
Hardoi	.. Hardoi tahsil. Shahabad tahsil. Sandila tahsil. Bilgram tahsil.
Kheri	.. Muhamdi tahsil. Nighasan tahsil. Lakhimpur tahsil.
Faizabad	.. Bikapur tahsil. Faizabad tahsil. Akbarpur tahsil. Tanda tahsil.

Districts	Sub-divisions
Gonda	.. Gonda tahsil. Tarabganj tahsil. Utraula tahsil.
Bahraich	.. Bahraich tahsil. Kaisarganj tahsil. Nanpara tahsil.
Sultanpur	.. Sultanpur tahsil. Amethi and Musafirkhana tahsils. Kadipur tahsil.
Pratapgarh	.. Pratapgarh tahsil. Kunda tahsil. Patti tahsil.
Bara Banki	.. Ramsanehighat tahsil. Haidergarh tahsil. Nawabganj tahsil. Fatehpur tahsil.

NOTE.—In addition to the above each cantonment area (except Chakrata cantonment) shall be a separate sub-division for magisterial work.

Chapter XXVIII—Criminal Powers

459. The following powers have been conferred :

**Powers exercisable by
Magistrates.**

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Serial no.	Provision under which power is conferred	Officers	Powers
1	Section 12, Code of Criminal Procedure, 1898.	District Magistrate ..	To distribute business among their subordinates by localities. (1)
2	Section 13, <i>ibid</i> ..	Ditto ..	To place in charge of sub-divisions magistrates of the first and second class. (2)
3	Section 528, <i>ibid</i> ..	Ditto ..	To withdraw from the magistrates subordinate to them, whether in charge of sub-divisions or not, such classes of cases as they think proper. (1)
4	Section 30, <i>ibid</i> ..	Deputy Commissioners of Almorah, Naini Tal and Garhwal.	To try as a magistrate all offences not punishable with death. (3)
5	Section 10(2), <i>ibid</i> ..	Additional District Magistrates, Meerut, Agra, Bareilly, Lucknow, Banaras, Gorakhpur, Kanpur, Allahabad and Naini Tal.	All the powers of a District Magistrate under the Code of Criminal Procedure and any other law in force in that district. (4)
6	Section 37, Code of Criminal Procedure, 1898.	Sub-divisional Magistrates in charge of the Kurwi, Lahspur, Mahoba and Roorkee sub-divisions.	To call for records. (5)
7	Ditto ..	Magistrates of the first class in charge of sub-divisions.	To exercise the powers described in section 110 of the Code within the limits of their districts. (6)
8	Ditto ..	Magistrates who have exercised first class powers for not less than two years.	To exercise the powers described in section 110 of the Code within the limits of their districts. (6)
9	Ditto ..	Magistrate of the first class	To entertain cases without complaint (section 190). To issue process for a person within jurisdiction who has committed an offence outside the magistrate's local jurisdiction (section 186). To sell suspicious or stolen property (section 524). (7)
10	Sections 12 and 39, <i>ibid</i>	Tahsildars <i>ex officio</i>	The powers of a magistrate of the second class to dispose of such cases or classes of cases as may be made over to them by the District Magistrate by general or special order. (8)

Serial no.	Provision under which power is conferred	Officers	Powers
11	Sections 37 and 190(2), <i>ibid.</i>	Tahsildars exercising powers of a magistrate of the second class.	Power to take cognizance under clause (a) or (b) of sub-section (1) of section 190 upon complaint or police report in writing of offences which occur within their jurisdiction and are triable by them. (9)
12	Sections 12 and 39, <i>ibid.</i>	Tahsildars <i>ex officio</i> ..	Of a magistrate of the third class. (10)
13	Section 37, Code of Criminal Procedure.	Tahsildars exercising third class powers.	To take cognizance of offences upon complaint and upon police reports. (11)
14	Section 12, <i>ibid.</i> ..	Senior Naib-Tahsildar, Mahoba, Hamirpur District, <i>ex officio</i> .	Powers of a magistrate of the third class. (12)
15	Section 14, <i>ibid.</i> ..	Munsif of Lalitpur, Jhansi District, <i>ex officio</i> .	Powers of a magistrate of the second class to be exercised within the limits of the Lalitpur sub-division in respect only of such cases as may be transferred to him by the District or Sub-Divisional Magistrate for trial or commitment. (13)
16	Section 8(2) of the Reformatory Schools Act, 1897.	Magistrates of the first class specially empowered to try summarily.	The powers conferred by section 8(1) of the Reformatory Schools Act. (14)
17	Section 70 of the Northern India Canal and Drainage Act, 1873.	Magistrates of the first and second classes.	To try offences specified in the Section. (15)
18	Sections 14 and 39, Code of Criminal Procedure.	All Deputy Revenue Officers attached to Canal Divisions in Uttar Pradesh whether in an officiating capacity or otherwise.	The powers of a magistrate of the second class to be exercised in respect of any offence punishable under section 70 of the Northern India Canal and Drainage Act, 1873 (VIII of 1873) as subsequently amended in the districts within the limits of Canal Divisions to which they may, for the time being, be attached and for so long as they hold the office of a Deputy Revenue Officer. (16)
19	Section 37, <i>ibid.</i> ..	Ditto ..	The power to take cognizance of offences upon complaint and upon police reports (section 190, Criminal Procedure Code). (16)

Serial no.	Provision under which power is conferred	Officers	Powers
20	Sections 14 and 39, Code of Criminal Procedure, 1898.	All Deputy Revenue Officers attached to Canal Divisions in Uttar Pradesh. Whether in an officiating capacity or otherwise.	The powers of a magistrate of the second class to be exercised in respect of any offence punishable under section 70 of the Northern India Canal and Drainage Act, 1873 (VIII of 1873), as subsequently amended and as applied to the State Tube-Wells Act, 1936 (XII of 1936), in the districts within the limits of the Canal Divisions to which they may, for the time being, be attached and for so long as they hold the office of a Deputy Revenue Officer. (17)
21	Sections 12 and 39, <i>ibid.</i>	All Deputy Collectors appointed to that post by promotion from the post of a Tahsildar who have exercised the powers of a second class Magistrate whether as a Tahsildar or as a Deputy Collector or in both the capacities for not less than six months.	Of a Magistrate of the first class. (18)
22	Section 12, <i>ibid.</i> ..	Deputy Collectors <i>ex officio</i>	Of a Magistrate of the third class. (19)
23	Ditto ..	Assistant Magistrates or Assistant Commissioners <i>ex officio</i> .	Ditto.
24	Ditto ..	Judicial Officers <i>ex officio</i>	Of a Magistrate of the first class. (20)
25	Section 6(1) of the Criminal Law Amendment Act, 1952 (XLVI of 1952).	District and Sessions Judge, Agra, for Agra district. District and Sessions Judge, Aligarh, for Aligarh District. District and Sessions Judge, Allahabad, for Allahabad District. Civil and Sessions Judge, Mirzapur, for Mirzapur District. District and Sessions Judge, Azamgarh, for Azamgarh District. District and Sessions Judge, Banaras, for Banaras District. Civil and Sessions Judge, Jaunpur, for Jaunpur District. District and Sessions Judge, Bara Banki, for Bara Banki District. District and Sessions Judge, Bareilly, for Bareilly District.	To be <i>ex officio</i> Special Judge for the trial of cases relating to all offences under sections 161, 165 and 165-A of the Indian Penal Code and under section 5(2) of the Prevention of Corruption Act, 1947, in the district(s) shown against each. (21)

Serial no.	Provision under which power is conferred	Officers	Powers
		Civil and Sessions Judge, Pilibhit, for Pilibhit District.	
		District and Sessions Judge, Basti, for Basti District.	
		District and Sessions Judge, Budaun, for Budaun District.	
		District and Sessions Judge, Bulandshahr, for Bulandshahr District.	
		District and Sessions Judge, Etah, for Etah District.	
		District and Sessions Judge, Faizabad, for Faizabad District.	
		Civil and Sessions Judge, Sultanpur, for Sultanpur District.	
		District and Sessions Judge, Farrukhabad, for Farrukhabad District.	
		District and Sessions Judge, Ghazipur, for Ghazipur District.	
		Civil and Sessions Judge, Ballia, for Ballia District.	
		District and Sessions Judge, Gonda, for Gonda District.	
		Civil and Sessions Judge, Bahraich, for Bahraich District.	
		District and Sessions Judge, Gorakhpur, for Gorakhpur and Dooria districts.	
		District and Sessions Judge, Hardoi, for Hardoi District.	
		District and Sessions Judge, Jhansi, for Jhansi District.	
		Civil and Sessions Judge, Hamirpur, for Hamirpur and Jalaun districts.	
		District and Sessions Judge, Kanpur, for Kanpur District.	
		Civil and Sessions Judge, Fatehpur, for Fatehpur District.	
		District and Sessions Judge, Kumaun, for Naini Tal and Almora districts.	
		Civil and Sessions Judge, Tehri-Garhwal, for Tehri-Garhwal and Pauri-Garhwal districts.	

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Serial no.	Provision under which power is conferred	Officers	Powers
		District and Sessions Judge, Mainpuri, for Mainpuri District.	
		Civil and Sessions Judge, Etawah, for Etawah dis- trict.	
		District and Sessions Judge, Mathura, for Mathura Dis- trict.	
		District and Sessions Judge, Meerut, for Meerut District.	
		Civil and Sessions Judge, Muzaffarnagar, for Muzaf- farnagar District.	
		District and Sessions Judge, Moradabad, for Morada- bad District.	
		Civil and Sessions Judge, Bijnor, for Bijnor District.	
		District and Sessions Judge, Rampur, for Rampur Dis- trict.	
		District and Sessions Judge, Rae Bareilly, for Rae Bareilly District.	
		Civil and Sessions Judge, Pratapgarh, for Pratap- garh District.	
		District and Sessions Judge, Saharanpur, for Saharan- pur District.	
		Civil and Sessions Judge, Dehra Dun, for Dehra Dun District.	
		District and Sessions Judge, Shahjahanpur, for Shah- jahanpur District.	
		District and Sessions Judge, Sitapur, for Sitapur Dis- trict.	
		Civil and Sessions Judge, Kheri, for Kheri District.	
		District and Sessions Judge, Unnao, for Unnao District.	
		Civil and Sessions Judge, Banda, for Banda District.	
		District and Sessions Judge, Lucknow, for Lucknow Dis- trict.	

(1) G. O. No. 1150A, dated July 21, 1872.

(2) G. O. No. 907A, dated June 8, 1874.

(3) G. O. No. 3171/VI-16B-441, dated November 23, 1891.

(4) Notifications nos. 2159/VI-2101-1935, dated October 31, 1935; 1596/VI-251-41 dated June 19, 1941; 2220/VI-307-1939, dated August 9, 1939; 2163 VI-282-41, 2163 (2)/VI-282-41, 2163(4)/VI-282-41, 2163 (6)/VI-282-41, 2163(8)/VI-282-41 and 2163 (10)/VI-282-41, dated September 1, 1941.

- (5) G. O. No. 3338/VI-55D, dated November 14, 1907.
- (6) Notification no. 1921/VI-372, dated June 29, 1908.
- (7) G. O. No. 1139A, dated July 19, 1873.
- (8) Notification no. 1865/VI-267-11, dated July 18, 1911.
- (9) Notification no. 40/VI-202-1942, dated February 10, 1942.
- (10) Notification no. 1615/VI-16B-1139, dated May 23, 1902.
- (11) Notification no. 2777/VI-85D, dated September 14, 1904.
- (12) G. O. No. 673/VI-208, dated February 13, 1931.
- (13) G. O. No. 3371/VI-730, dated December 5, 1911.
- (14) G. O. No. 1636/VI-40B, dated June 18, 1897.
- (15) G. O. No. 3339/VI-52D, dated January 13, 1905.
- (16) Notification no. 557/VI-825-1942, dated March 15, 1943.
- (17) Notification no. 557(3)/VI-825-1942, dated March 15, 1943.
- (18) G. O. No. 2280/VI-275-1911, dated September 1, 1941.
- (19) Notification no. 1916/VI-276-48, dated October 8, 1918.
- (20) Notification no. 1154/VI-677/1949, dated April 23, 1949.
- (21) Notification no. 1953/VI-812-52, dated September 18, 1952.

G. O. No.
2553 VI-
2367.40,
dated Octo-
ber, 2, 1940.

460. Under section 9 of the Code of Criminal Procedure, 1898, the Civil Judges, and the Additional Civil Judge, for the time being, of the undermentioned places are appointed to be ex-officio Assistant Sessions Judges also and to exercise jurisdiction in the Sessions Divisions noted against each :

Name of Court	Sessions Division
(1) Civil Judge, Lucknow.	Lucknow.
(2) Civil Judge, Mohanlalganj.	Do.
(3) Civil Judge, Malihabad.	Do.
(4) Civil Judge, Unnao.	Unnao.
(5) Civil Judge, Bara Banki.	Bara Banki.
(6) Civil Judge, Sitapur.	Sitapur.
(7) Civil Judge, Hardoi.	Hardoi.
(8) Civil Judge, Faizabad.	Faizabad.
(9) Civil Judge, Gonda.	Gonda.
(10) Additional Civil Judge, Gonda.	Do.
(11) Civil Judge, Bahraich.	Do.
(12) Civil Judge, Rae Bareli.	Rae Bareli.
(13) Civil Judge, Pratapgarh.	Pratapgarh.

461. The particular attention of all magistrates is drawn to the provisions of sub-section (2) of section 39 of the Code of Criminal Procedure under which an order conferring powers only *takes effect from the date on which it is intimated to the person so empowered.* District Magistrate must ensure in particular that notifications conferring powers on officials generally by their official titles (ex-officio) are communicated to the officer concerned as soon as he has qualified under the terms of the notification to exercise those powers, as powers so conferred may not be exercised until actually intimated.

462. (1) Powers of the magistrate of the second class shall not ordinarily be conferred on a magistrate, other than a tahsildar, until he has passed the departmental examination in Criminal Law and Procedure and Hindi in Part I and has exercised the powers of a magistrate of third class for six months.

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(2) Powers of a magistrate of first class shall not ordinarily be conferred on a magistrate until he has passed the departmental examination in Criminal Law and Procedure and Hindi in Part II or has obtained 66 per cent. or more marks in those subjects in Part I and has noted on and written judgments in three sessions cases and has been satisfactorily reported on in this respect by the District Magistrate as required by rule 61 of the Departmental Examination Rules and has also exercised the power of magistrates of second class for six months. Government may, however, in exceptional circumstances make a departure from this rule and permit the grant of first class powers even before the magistrate has exercised second class powers for six months.

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463. Officers are only empowered by name under section 260 (1) (b) of the Code of Criminal Procedure, 1898. District Magistrates should report in the case of members of the Indian Administrative Service after one year, and in the case of other officers after two years exercise of first class magisterial powers, whether or not they are qualified to exercise summary powers; if, however, they are not considered to be qualified the District Magistrate should afterwards report them for conferment of such powers when he considers that they are fit to exercise them.

Recommendations for the grant of summary powers to any officer should be made only after consulting the Sessions Judge and a copy of his opinion should be forwarded to Government with such recommendation.

Chapter XXIX.—Honorary (or Special) Magistrates

A.—Selection and Appointment

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464. (1) Appointments of Honorary Magistrates shall be made by the State Government after considering the recommendations of the District Committee which will be constituted as follows :

Recommendations for
appointment by District
Committees.

(a) the District Magistrate ;

(b) the District and Sessions Judge, or, if there is no District and Sessions Judge, but there is Civil and Sessions Judge, at the headquarters of the district, the Civil and Sessions Judge ;

(c) one member, not being a criminal court practitioner, except in the Kumaun Division, elected by the District Bar Association and, where there are separate Bar Associations for the Civil Courts and the Collectorate, by both jointly ;

(d) non-officials upto six in number, not being lawyers practising in the Criminal Courts nominated by the State Government, out of whom four may be members of the Legislature.

G. O. No.
H537/VI-
2108(3)/52,
dated Oc-
tober 24,
1952.

G. O. No.
H140/VI-
44-1949,
dated
March 10,
1950.

Five members of the Committee, of whom at least two shall be non-official members appointed under this rule, shall constitute the quorum for each meeting of the Committee.

(2) The term of the non-official members of the Committee including the representative of the Bar, shall be ordinarily three years. No member of the Committee shall be nominated for appointment as an Honorary Magistrate.

465. The District Magistrate shall obtain the views of the District Committees and submit its recommendation to Government along with his own views.

If the members of the Committee are not unanimous, the recommendations of the majority shall be the recommendations of the Committee.

466. The proceedings of the Committee shall be confidential and shall not be used as evidence in any court.

Proceedings of the Com-
mittee to be confiden-
tial.

467. Before recommending a person for appointment as an Honorary Magistrate the Committee shall satisfy itself that he fulfils the following requirements :

Qualifications of can-
didates.

(a) *Age*.—He is not less than 25 years of age.

(b) *Educational qualifications*.—He has passed an examination equivalent to or higher than the High School Examination, or is able to record evidence and write judgments in English or Hindi in his own hand, and is capable of appreciating the evidence and forming a reasoned judgment.

(c) *Reputation*—He has a good reputation and is a person of such character as to command the confidence of the public.

(d) *Indebtedness*—He is not heavily indebted. In determining whether indebtedness is so heavy as to be a disqualification, regard shall be had to his assets and his ability to pay off his debts. In particular, the Committee shall consider whether the indebtedness is such that it may, in the opinion of the public, be a source of embarrassment to the Honorary Magistrate in the honest and impartial discharge of his duties or impair his usefulness as an Honorary Magistrate.

NOTE—Ladies are eligible for appointment as Honorary Magistrates.

468. (a) No member of the State Legislature shall be eligible for appointment as an Honorary Magistrate within his own territorial constituency.

Persons not eligible
for appointment.

(b) No President or Chairman or member of a Municipal Board or a Cantonment Board or a Town Area or a Notified Area Committee or a Gaon Sabha and no President of a District Board shall be eligible for appointment as an Honorary Magistrate within the local limits of the local body of which he is President or Chairman or member.

G. O. No.
5187/VI-
2109 48,
dated
March 12,
1949.

(c) No person who has been disqualified for having committed a corrupt practice in connection with an election to the legislature or to a local body, and no legal practitioner who has been debarred from practice, shall be eligible for appointment as an Honorary Magistrate.

(d) No person who has been convicted of an offence involving moral turpitude shall be eligible for appointment as an Honorary Magistrate.

(e) No member of the legal profession practising in the criminal courts shall be eligible for appointment as an Honorary Magistrate.

NOTE—Government have decided that lawyers practising in civil and revenue courts should not be debarred from appointment as Honorary Magistrate; hence the names of such lawyers may in future be forwarded to Government, like the names of other candidates for appointment as Honorary Magistrates, if they are considered suitable and are recommended by the District Selection Committee.

G. O. No.
H. 752/VI-
2115/49,
dated No-
vember
15, 1950.

(f) Save in exceptional circumstances, no person shall be eligible for appointment as an Honorary Magistrate when any of his near relations is already serving as such in the same District.

469. Unless the person recommended has previous experience of law and procedure in criminal courts or has already served as an Honorary Magistrate, his appointment shall be subject to his undergoing a course of practical training under a senior Stipendiary Magistrate. In the beginning he should familiarize himself with the Indian Penal Code, the Code of Criminal Procedure and the Indian Evidence Act, under the guidance of such Stipendiary Magistrate and should watch the progress of trials in his court. After that he should be asked to take notes of evidence in criminal cases and write out his own judgments and submit them for the approval of the Magistrate. The period of such training shall normally be three months.

At the end of this period if the Magistrate certifies that the person selected is competent to conduct criminal trials and write proper judgments, he should be entrusted with judicial work. But if at the end of this period, the person selected fails to obtain the necessary certificate, then the District Magistrate may, with the concurrence of the Committee, either recommend that the appointment be cancelled or that the person selected be allowed a further period of training not exceeding two months. If at the end of such further period of training he again fails to obtain the necessary certificate of fitness, his appointment shall be cancelled.

B.—General Instructions

G.O.No. H.
288/VI-25/
49, dated
June 22,
1949.

470. In future the constitution of Benches of Honorary Magistrates will be limited to three members on each Bench and this number shall not be increased except for special reasons and with the prior sanction of Government.

Old paras.
812.

471. (1) The powers with which Honorary Magistrates are usually invested are as follows:

Powers of Honorary Magistrates.

(a) in the more important towns the Benches in their corporate capacity are usually granted the powers of a Magistrate of second class;

(b) they may also be invested with authority to take direct cognizance upon complaint or police report of the offences specified in section 261(b) of the Code of Criminal Procedure;

(c) selected Honorary Magistrates may be invested with the powers of a Magistrate of the first class for the disposal, when sitting as Benches, of cases under Chapter X of the Code (Public Nuisance) and Chapter XXXVI (Maintenance of wives and children).

(2) On first appointment, an Honorary Magistrate will generally be invested with third class powers. But a person who has previously exercised powers as an Honorary Magistrate or has practised as a legal practitioner may, if he is considered fit, be invested with second class or, in special cases, with first class powers. Retired Government officers may be invested with first or second class powers if they have exercised these or higher powers while in service. Ordinarily summary powers will not be conferred on Honorary Magistrates.

810.
and 810 A.

472. (1) The first appointment of an Honorary Magistrate shall be for a period of one year. After this period he may be appointed for a further term not exceeding three years. Thereafter the term may be renewed from time to time for further periods not exceeding three years. The term of an Honorary Magistrate shall not ordinarily be renewed after he has attained the age of 60 years.

Term of appointment.

(2) Conferment of life powers on Honorary Magistrates will in suitable cases be made by Government subject to the following conditions :—

G. O. No.
1497/VI-97-
1938,
dated Sep-
tember 11,
1944.

(a) No person shall be appointed a life Magistrate unless he has rendered meritorious service as an Honorary Magistrate for 15 years and has either attained the age of 60 years or has resigned on grounds of health or other grounds with which the District Magistrate is satisfied. Life powers will not be conferred as a matter of course but should be regarded as a distinction given only to those Honorary Magistrates whose services have been exceptional.

(b) Honorary Magistrates invested with powers for life will not try cases.

473. All recommendations for the renewal of the terms of Honorary Magistrates and for enhancement of their powers shall be made by the District Magistrate in consultation with the Sessions Judge. All recommendations regarding Honorary Magistrates exercising first class powers shall be accompanied by a copy of the opinion of the Sessions Judge.

Recommendations for renewal, enhancement and withdrawal of powers.

Recommendations for the withdrawal of powers of Honorary Magistrates shall be made by the District Magistrate after consultation with the members of the District Committee in the manner required by paragraph 465.

474. The court of an Honorary Magistrate or Bench of Honorary Magistrates shall, unless otherwise permitted by Government, be held at the district or tahsil headquarters or in a Government or Government-rented building within the limits of a Municipal, Cantonment or Notified Area.

Allocation of courts.

Old paras.
814B

475. (1) Every Honorary Magistrate or Bench of Honorary Magistrates shall hold court during the hours prescribed by the District Magistrate, which should ordinarily be within the hours fixed for the sitting of Stipendiary Magistrates. The hours fixed by the District Magistrate shall not be changed without his previous sanction.

Court attendance.

814B.

(2) If for any reason an Honorary Magistrate is unable to attend court he should, as far as possible, give due notice of the period of his absence to the District Magistrate and the Magistrate in charge of the sub-division, as also to the Sub-Inspectors of police stations in his jurisdiction if empowered to receive police cases direct. Intimation should also be given to the local Bar and a notice also affixed on the court notice board for public information stating the period during which the court will not sit.

Old paras.

476. If any Honorary Magistrate or his son or brother or any other close relation desires to stand for election to a local body or to the State Legislature from an area in which he exercises jurisdiction, the Honorary Magistrate should inform the District Magistrate concerned of his intention to do so. The District Magistrate will immediately take steps to ensure that cases arising in that area do not go to him for trial, and shall apply to Government for the exclusion of that area from the Honorary Magistrate's jurisdiction. No Honorary Magistrate shall take part in any election to a local body or to the State Legislature in any area within his jurisdiction otherwise than by casting his vote as an elector. Any breach of this rule will render the Magistrate concerned liable to the withdrawal of his magisterial powers.

814 A

477. In all cases and whatever the circumstances, Honorary Magistrates will be held responsible for loss incurred owing to embezzlement by their clerks of any fines imposed. A copy of the High Court rules for the payment of fines, etc., into the treasury should be supplied to each Honorary Magistrate's court. Honorary Magistrates should be warned that their clerks cannot be regarded as peshkars or as regular court officials, and they must, therefore, closely supervise them and realise that responsibility for the safe custody of fines and deposits is their own.

813

478. On the occurrence of death of any Honorary Magistrate in a district the fact should be reported at once by the District Magistrate for the information of Government.

814 A

479. The Sessions Judge and any Additional or Assistant Sessions Judge appointed by the Sessions Judge, should make periodical inspections of the courts of Honorary Magistrates. The District Magistrate and the Sub-Divisional Magistrate should inspect every Honorary Magistrate's Court at least once a year.

C—Conduct of Business

814

480. The following rules for the conduct of business of Benches of Honorary Magistrates are recommended by Government for general adoption:

(N.B.—The issue of such rules is left to the Magistrates concerned under section 16 of the Code of Criminal Procedure).

Rule 1. The bench is authorised to try such cases or classes of cases as the Magistrate of the district may by special or general order from time to time direct.

Rule 2. The Bench shall sit on the days here-under appointed at a.m. It shall not consist of more than three members, and two of these shall form a quorum. The sittings shall be held in the place appointed for the location of the court under paragraph 474.

Rule 3. The bench may hold one or more adjourned sittings, if this be found necessary for the disposal of business or of part-heard cases; provided that the provisions of section 350A, Criminal Procedure Code, are carefully observed.

Rule 4. The Chairman of the bench for the time being shall be the Magistrate of highest powers present at the sitting. Where all present are of equal powers, the Magistrate of oldest standing shall be the Chairman, provided always that it shall be in the discretion of the Magistrate of the district to appoint the Chairman for each time of sitting or generally.

Rule 5. The Chairman shall conduct the proceedings of the court and shall exercise all the functions in that behalf usually exercised by a Magistrate when sitting alone. He shall decide upon the admissibility of evidence and maintain order in the court; but it shall be open to any member of the bench to put any question to the parties or witnesses, either direct or through the Chairman, as the latter may deem advisable, and to suggest any matter for the Chairman's consideration.

Rule 6. Any recording of evidence, issuing of process, or other function exercisable by Chairman may, with his consent, be exercised by any one of his colleagues.

Rule 7. Each member of the bench shall have a voice in the finding and sentence, which shall be signed by the Chairman and by the members present.

In regard to the finding when the number of members is uneven, the opinion of the majority shall prevail; when the number is even and members are equally divided, the accused shall get the benefit of doubt.

In regard to the sentence, the opinion of the majority shall prevail; when the members are equally divided, the Chairman shall have the casting vote; when the opinions of members are all different (as in a full bench of three members) the opinion of the Chairman shall prevail.

D.—Establishment

481. District Magistrates are empowered to sanction establishments for the courts of Honorary Special Magistrates and Benches of Honorary Magistrate on the following conditions:—

Court staff.

(1) (a) that not more than one clerk shall be provided for each court of a Special Magistrate or a bench of Honorary Magistrates. The pay of such a clerk shall be in the scale of Rs.60—4—80—5—120 ;

(b) that one peon only shall be allowed for each such court on a monthly pay of Rs. 20—1/2—25 when serving outside the district headquarters, and Rs.25—1/2—30 when serving at the district headquarters plus the dearness allowance at the rates sanctioned by Government from time to time for such courts,

(2) that budget provision exists to meet the expenditure involved in each case,

Old para.
814 C.

G. O. no.
H-242/V1—
513(16)/52
dated May
20, 1952.

G. O. no.
2129/V1—
803-1947,
dated July
23, 1947.

Old paras.

(3) that the period of sanction shall not be more than one year at a time, and

(4) that the number of cases decided in a year to warrant the continuance of the appointment of a clerk and a peon shall not be less than 100 for each court.

If the number of cases disposed of during the year is less than 100 then no clerk or peon should be retained and such staff should be immediately removed from the Honorary Magistrate's court unless reasons exist to the contrary and for which the sanction of Government is obtained.

Where the number of cases decided in a year is 300 or more under the Indian Penal Code or 600 or more under other Acts a reference to Government may be made by the District Magistrate for the appointment of a second clerk. Such appointments will be sanctioned by Government if justified by the amount and standard of work.

814 C

482. The posts of clerks in Honorary Magistrates' courts should be on a temporary basis and the vacancies in those courts should be filled in the following order:

(i) the vacancies caused by the permanent absorption of Honorary court employees in the Collectorate should be filled by paid apprentices in accordance with paragraph 1(3) of G. O. no. H-255/VI—897-47, dated May, 13, 1919.

(ii) the retrenched clerks of Honorary Magistrates' courts *as are found fit for re-employment* should be appointed in the courts of Honorary Magistrates newly established in accordance with G. O. no. 3368/VI—1931-38, dated September 20, 1938.

(iii) the ex-Honorary court employees of the approved list should be given preference at the time of filling vacancies caused by the retirement, removal or resignation of Honorary court employees.

814 C

483. (1) Courts of Honorary Magistrates which are held in public buildings shall be given an allowance of Rs.24 per annum for hot weather charges provided the amount of work disposed of by them is considered by the District Magistrate to be sufficient to justify the privilege.

(2) All courts of Honorary Magistrates or Benches of Honorary Magistrates which dispose of not less than 100 cases a year, shall be supplied with stationery from the Collectorate stock by the District Magistrate to the value of Rs.2/4/- per mensem for each Bench and Rs.1/8/- per mensem for each Special Magistrate. If, however, such court disposes of less than the required minimum of work, then hot weather charges and the stationery should, unless special reasons exist to the contrary, be discontinued until the required minimum is again reached.

B—Honorary Railway Magistrates

484. The amounts realised by Magistrates on account of single railway fares, or excess charges, or fines, under sections 112, 113 and 114 of the Indian Railways Act, 1890 shall be deposited into the nearest Government treasury or sub-treasury. The portion representing the fines under section 112 or 114 which is *in excess* of the single fare, shall be credited to Government as State revenue under the head "XXI-B—Administration of Justice—General fees, fines and forfeitures—Magisterial fines and forfeitures". The single fare realised under section 112, 113 or 114 as well as the excess charges levied under section 113 of the above Act shall be credited to the railway concerned. Railway Magistrates sending such *chalans* to the treasury or sub-treasury should enter therein details of the recoveries including references to the number and date of the station charge-sheet.

G. O. no.
2020/VI—
2193-1932,
dated
October
23, 1942.

485. Honorary Railway Magistrates should not be supplied with free passes on railways except for journeys connected with their duties as Railway Magistrates. Requests from Railway Magistrates for the grant of free passes for journeys unconnected with their official duties will be refused.

G. O. no.
1365/VI—
634-1941,
dated June
17, 1941.

Chapter XXX—Investigation of cases

A—Remands and Confessions.

Old paras.
851

486. (1) A remand to police custody should not be applied for or given unless the officer making the application is able to show good and satisfactory grounds in support; a general statement that the accused may be able to give further information should not be accepted.

NOTE.—For example, a remand for the purpose of enabling the accused to point out the place where stolen property is concealed is reasonable, if the accused has voluntarily before the Magistrate offered to conduct the police to the spot. But it is unreasonable if no such offer has been made, and if the object of the police is really to induce him to make discovery. Remand, again, for the purpose of allowing the police to compare the prisoner's footprints with suspicious tracks, or in some circumstances of having him identified, would be reasonable. But remand for the purpose of enabling the police to extract more information of any incriminating nature from him than he has given in his statement would be improper. In general terms a remand to the police should be regarded as the exception and not the rule, and the exception should only be made when the magistrate believes that certain points in the case cannot be properly investigated unless the police are allowed the custody of the accused. The primary place of custody of an accused person ordered to be detained under section 167 Criminal Procedure Code, is the magistrate's lock-up and not with the police. Under sub-section (3) of that section a magistrate authorising detention in the custody of the police shall record his reasons for so doing.

(2) No such order of remand to police custody shall be passed by a stipendiary officer of lower status than a Magistrate exercising second class powers and in the latter case only if specially empowered, or by an Honorary Magistrate who does not exercise first class powers. Applications for remands should be made only to Magistrates of the required status.

(3) Whenever possible, where the object of the remand is a verification of the prisoner's statement, he should be remanded to the charge of a magistrate.

(4) The period of remand should always be as short as possible.

(5) A prisoner who has been produced for the purpose of making confession and who has declined to do so, or has made statement which, from the point of view of prosecution, is unsatisfactory, should in no circumstances be remanded to police custody.

852

487. (1) As far as is practicable, confessing prisoners while in jail awaiting trial should be separated from other prisoners.

(2) It is not considered practicable to lay down a definite rule that no person should be produced for the recording of his confession unless he has spent at least one night out of police custody, though the principle underlying this suggestion is sound. It is sufficient to deprecate the immediate examination of an accused person as soon

as the police bring him to court. It is essential that the accused should whenever feasible be given at least a few hours for reflection in circumstances in which he cannot be influenced by the police, before his statement is recorded.

Old para.

(3) District Magistrates should issue standing orders regarding Magistrates who will record confessions from particular sub-divisions or police stations. Magistrates designated to record confessions should be of sufficient seniority and experience, and confessions should not be recorded by inexperienced Magistrates. In cases of special importance such as of organised gang dacoities the confessions should, if possible, be recorded by a well experienced and qualified officer. The task requires patience and judgment and the recording of such confessions should not be entrusted to junior officers.

488. Confessions should ordinarily be recorded in open court, and during court hours unless there be exceptional reasons for adopting any other course. Instructions regarding the method of recording confessions are given in Appendix 19, and should be studied by all Magistrates. These instructions will also be found in Annexure IV-A to the Handbook for Criminal and Revenue Courts.

853

B.—Dying Declarations.

489. (1) Dying declarations should, if possible, be written by the person making them. Such statements should be signed or marked by the declarant and attested by respectable witnesses.

854

(2) Where a dying declaration is recorded by a police or medical officer, it should be recorded in full detail in the actual words of the declarant in the form of question and answer, and in the presence of respectable witnesses. It should then be read over to the declarant, who should affix his signature or mark to it. The accused or his pleader if present, should be allowed to put questions to the declarant. The declaration when concluded should be signed by the police or medical officer recording it, who should also obtain the signatures of respectable witnesses. It should then be forwarded in a sealed envelope direct to the magistrate who would ordinarily inquire into the case. If it can be avoided, no police officer who is engaged in the investigation into the case should be present when the dying declaration is recorded.

490 The officer investigating a case in which a person has been seriously injured should, if there is any probability of the person dying before he can reach a dispensary where his dying declaration can be recorded, at once himself record the declaration in the presence of two respectable witnesses, obtaining the signature or mark of the declarant at the foot of the declaration.

855

Old provs.
856

491. (1) The District Magistrate, or senior Magistrate present in the station, on receiving notice that a dying declaration is necessary, should at once himself proceed to record it, or depute some stipendiary Magistrate above the rank of tahsildar for the purpose.

**Recording of dying
declarations by Magis-
trates.**

(2) Every Magistrate on receiving an order or requisition to record a dying declaration shall proceed to the spot at once to record the declaration. If a medical officer is present or if his attendance can be secured in time he may be asked to certify before the declaration is recorded whether the declarant is in a fit state to make a statement. The Magistrate should, however, understand that it is for him to judge for himself whether the deponent is mentally fit to make a statement. If circumstances do not permit waiting for the medical officer's attendance then in such case the declaration may be recorded forthwith but the Magistrate should note why it was impracticable to wait for a doctor's attendance.

(3) Ordinarily a declaration may be taken down in the form of a simple narrative. If any occasion arises for putting questions to the deponent the Magistrate should record the questions as also the answers which he receives in order to enable the court to judge the value of the answers given by the declarant. The actual words of the declarant should be taken down and not merely their substance and the statement may be as full as the physical condition of the declarant will permit.

It is the duty of the person recording the declaration to take every possible precaution to ensure the making of a free and spontaneous statement by the declarant without any prompting suggestion or aid from any other person.

(4) If the accused or his pleader is present he may, at the Magistrate's discretion, be allowed to put questions and on completion of the statement it should be read over to the declarant who should, if possible, then sign or otherwise attest it in token of correctness. The declaration should then be transmitted in a sealed envelope to the Magistrate exercising jurisdiction.

Instructions regarding recording of dying declarations by Magistrates will also be found in Annexure IV-B to the Handbook for Criminal and Revenue Courts.

857

492. (1) The Medical Officer in charge of the hospital should at once call on the District Magistrate, or in his absence the senior Magistrate present at the station, to arrange for the record of the dying declaration of such persons as are likely to die and are in a fit state to make a statement.

**Dying declarations of
persons in hospital.**

If, in the opinion of Medical Officer there is no time to call on the District Magistrate or the senior Magistrate present in the station, the nearest Magistrate may be sent for to take the dying declaration, a stipendiary Magistrate being called if possible.

If, in the opinion of the Medical Officer there is no time to call any Magistrate, he may himself record the declaration.

In cases where there is no time to call on the District Magistrate or senior Magistrate present at the sadar, he should be informed of the action taken.

(2) The Medical Officer in charge of an outlying dispensary should at once call on the tahsildar or, in his absence, the nearest Honorary Magistrate, to record the dying declaration of such persons as are likely to die and are in a fit state to make a statement.

If there is, in his opinion, no time to call on the tahsildar or an Honorary Magistrate, he may record the dying declaration himself.

493. Medical officers, Magistrates, and police officers must all realise that the welfare of the injured man is the first consideration and in no circumstances must proper medical treatment be impeded or delayed in order to secure the recording of a dying declaration.

C.—Investigation.

494. (1) Magistrates must exercise reasonable discretion in the use of section 155(2) of the Code of Criminal Procedure which gives powers to direct the police to make investigation into non-cognizable offences. As far as possible, they should confine such investigation into cases which appear to be of importance from the point of view of administration.

Powers of Magistrates to order investigation by police.

(2) Magistrates must also exercise discretion in directing investigation of complaint cases by police officers under section 202 of the Code of Criminal Procedure. They must remember that unnecessary enquiries and investigations should not be forced on the police to the detriment of the proper investigation of more serious crime.

495. The provisions of section 561 of the Code of Criminal Procedure should be applied with the utmost care and discrimination, and any local investigation which may be considered necessary under the provisions of section 202 of the Code should be held by an experienced Magistrate. When such a complaint is instituted, the provisions of sections 202 and 203 should be carefully observed, and the law should not be put in motion unless there are strong grounds for believing that the complaint is *bona fide* and that it has not been instituted merely with the view of causing annoyance to the person accused.

Old para.
848

In cases under section 561 of the Code of Criminal Procedure in which the medical examination of the wife is considered necessary, her consent must first be obtained and should invariably be conducted

O'd paras.

by a qualified female practitioner, where such practitioner is available. No court or Magistrate has a right to order a medical examination of the witness without her consent and such examination without consent will amount to an illegal and unjustifiable assault, for which damages may be recovered.

D.—Identification Proceedings.

849

496. Evidence based on identification is either important and conclusive or absolutely useless. Hence it is

Identification proceedings not to be held by inexperienced Magistrates.

of the utmost importance that proceedings should be properly conducted and entirely above suspicion. Unfortunately, however, the value of an identification is not infrequently

completely destroyed by omission to take the necessary precautions and both magistracy and police should realise that such omissions are not only obviously unfair to the accused but may also result in guilty persons evading justice. It is therefore, essential that identification proceedings should be properly and regularly conducted and hence should be carried out by an experienced Magistrate. Magistrates should, therefore, attend at least six identification parades for instructional purposes before they hold an identification parade unaided.

497. Instructions for the proper conduct of identification proceedings

Instructions regarding conduct of identification proceedings.

are given in Appendix 20 and should be read by all executive Magistrates who should be thoroughly conversant with those provisions.

These instructions will also be found in Annexure III to the Handbook for Criminal and Revenue Courts. In particular, Magistrates should remember that identification proceedings must be drawn up in the form prescribed by the High Court in Chapter VIII of the General Rules (Criminal), and special care must be taken to ensure that the requirements of the memorandum given in that form are completely fulfilled.

E.—Post-mortem examination and references to Chemical Examiner.

858 to 886-A

498. Rules regarding post-mortem examination and references

Post mortem examination and medico-legal work.

to the Chemical Examiner, U. P. and the Serologist and Chemical Examiner to the Government of India are published in the Medical Manual and the Police Regulations.

869

499. Civil Surgeons and Superintendents of Police must re-

References for Chemical Examiner to be made by inquiring Magistrate.

member that the duty of making a reference to the Chemical Examiner, and of requiring that officer to make a report which will be admissible under section 510 of the Criminal Procedure Code, is one which lies solely within the province of the Magistrate conducting the inquiry for which information on the character of the suspected substances is required. Such references should not, under any circumstances, be made by them directly.

500. Rules regarding analyses of substances at the instance of

Analyses for Army authorities and Municipal Boards.

the Army authorities or Municipal Boards are contained in rules 804 to 805 of the Medical Manual.

Chapter XXXI—Prosecution of cases.

A—Cases in which public officers are concerned

501. Before criminal proceedings are instituted against an official
Prosecution of officers. other than a police officer for misconduct in connection with his public duties the officer instituting the prosecution should see that the procedure laid down in paragraph 72 has been observed and that any sanction required by section 197 of the Code of Criminal Procedure has been obtained. Old paras. 832

NOTE.—In Criminal Miscellaneous Case no. 720 of 1951—Bhup Narain Saxena, v. State, the High Court of Allahabad held that prosecution of public servants under sections 409, 420, 471 and 477-A of the Indian Penal Code can be launched without the sanction of Government or the appropriate authority.

502. Whenever an officer of standing, such as a tahsildar or naib-tahsildar is accused of a serious offence, the trial
Trial of officers. or inquiry should be conducted by the District Magistrate himself, unless there are reasons why he should not himself take up the case. In such event the case should be tried by an officer with at least six years' experience of judicial work, unless it is one that can be committed to Sessions. 833

503. (1) The rules regarding prosecution of police officers are
Prosecution of police officers. contained in Chapter XXXII of the Police Regulations. In the case of superior officers the provisions of section 197 of the Code of Criminal Procedure are applicable and should be followed. 834 and 846

(2) The greatest care should be taken by Magistrates in sending to police officers for investigation criminal complaints against police officers subordinate to them.

NOTE.—While charges against police officers must be thoroughly investigated it should also be the rule that where a charge which is demonstrably false has been brought against an officer the person bringing it should be prosecuted. Hence evidence in all cases against police officers should be recorded by the trying Magistrate himself at the earliest possible date and the complainant given every facility to prove his charges. If, however, the allegations are found false his prosecution should follow with certainty and speed if there is real likelihood of conviction.

504. (1) Criminal charges against a police officer superior in rank
Trial of police officers. to a head constable should be tried by the Sub-Divisional Magistrate having jurisdiction. 835
G. O. no. 608-A/VIII-500-51, dated June 4, 1952.

(2) Criminal charges against head constables and constables may be dealt with by the Magistrate having jurisdiction. G. O. no. 5288-M/XX-317.51 dated September 11, 1951.

505. Magistrates should give prompt information to the Heads
Heads of Departments to be informed of prosecution. of Departments concerned of all prosecutions of Government servants connected with the conduct of their duties. 836

B—Other Prosecutions

G. O. no.
2398/VI—
841-42,
dated
October
24, 1942.

506. (1) Section 7 of the Explosive Substances Act, 1908, requires the consent of the Central Government to prosecutions under that Act. The Central Government have, however, entrusted that function to the State Government by the Government of India notification no. 51/12/36-Political, dated March 29, 1938, which was published at page 458, Part I of the *Gazette of India*, dated April 2, 1938. It is, therefore, necessary that whenever a prosecution is instituted under the above Act, the consent of the State Government should invariably be asked for before the charge-sheet is submitted to the court. Such applications should be made to the Secretary to Government in the Home Department (Police-B) and should clearly set out the particulars of the case against the accused and be accompanied by an abstract of the evidence against each accused.

(2) It should be noted that though the consent of Government is required for the trial of an accused under the Explosive Substances Act, such consent is not, however, necessary for a magisterial inquiry into cases thereunder: thus it is not necessary to stay inquiry proceedings in magisterial courts pending communication of Government consent but all that is legally necessary is that such consent should be obtained before the commencement of the Sessions trial.

Obd paras.
842

507. All cases of train-wrecking should, as a rule, be tried by the District or Additional District Magistrate: if for any strong reason the case cannot be tried by either of these officers, it should be made over for trial to an experienced Magistrate specially selected for the purpose.

C—Undertrials

508. Magistrates and police officers are responsible for the proper supervision and treatment of all prisoners under their charge who have not yet been committed to jail.

509. (1) District Magistrates are *ex-officio* Superintendents of lock-ups at headquarters separate from the jail and should visit the lock-up at least once every month so as to ensure proper supervision and that its condition is never such as to affect the health or safety of prisoners under detention. For this purpose Magistrates should also depute a subordinate to visit the lock-up weekly or at such shorter intervals as may be necessary to ensure adequate supervision.

(2) Magistrates in charge of lock-ups situated at headquarters of sub-divisions must remember that they are personally responsible for the well-being and care of prisoners under their charge. When prisoners are under detention such lock-ups must be visited by the Magistrate in charge personally at least weekly and also as frequently as is necessary having regard to the number of persons confined, the accommodation available, climatic conditions and facilities for exercise.

510. Where it is necessary to produce prisoners before a Magistrate away from headquarters, proper arrangements should be made for their diet and for protection from inclement weather, and for their journey to their place of detention. The Magistrate should satisfy himself that proper arrangements have been made by the police officer in charge of the prisoners.

Old paras.
913

**Treatment of under-
trials attending court
in mufassil areas.**

NOTE—At all station lock-ups blankets should be supplied during the cold season for the use of insufficiently clad prisoners, and the officer in charge of prisoners who have to attend before a Magistrate in camp, should also have blankets supplied for the same purpose.

511. The District Magistrate and Superintendent of Police should see that prisoners confined in lock-ups at police stations are properly fed and tended.

914

**Feeding of under-
trials.**

512. Juvenile and youthful undertrial prisoners should be detained in jails to the extent accommodation can be arranged for them without incurring extra expenditure or additions and alterations to jail buildings. In all such cases the requirements of paragraph 422 of the C. P. Jail Manual should be strictly complied with.

G. O. no.
277/XXII—
1711-48,
dated
February
16, 1948

**Detention of youth-
ful offenders.**

513. When a woman is arrested and without warrant, and it appears that the investigation cannot be completed within the period of twenty-four hours fixed by section 61 of the Code of Criminal Procedure, it should not be necessary to wait for the expiration of the period of twenty-four hours. In such cases immediate action should be taken under section 167(1) of the Code. In cases in which it seems likely that the investigation can be completed within the period fixed by section 61 it will be necessary to detain the woman undertrial till the investigation is completed. However, every possible effort should be made to complete the investigation expeditiously so that the time of her detention is reduced to a minimum.

G. O. no.
176-P/
XXII—
1941-48,
dated
July 5,
1949.

**Detention of woman
undertrials.**

514. Prisoners in fair health will not suffer by marching on foot for any reasonable distance, and will not lose condition, if supplied with such wholesome food as can be procured in camp and on the march. But prisoners in a weak state of health may not be able to make the necessary journey on foot and it may be necessary to provide them with carriage and to give them suitable diet while in camp and on the road. The Magistrate and Superintendent of Police should see that proper arrangements are made where necessary.

915

**Travel of prisoners
by road.**

515. Undertrial prisoners should not be kept by the courts so late as to necessitate their admission to jails and lock-ups after lock-up time which is 4.30 p.m. in winter and 5.30 p.m. in summer.

916

**Observance of lock-
up time.**

Old paras.
917

516. The payment of allowances to destitute undertrial prisoners when in transit or on their discharge or acquittal are divided into two classes—
Allowances to destitute undertrials in transit or on discharge.

- (1) while still in custody;
- (2) on acquittal or discharge.

As regards (1) diet should be given to undertrial prisoners in sadar lock-ups, or in lock-ups at police stations or elsewhere in accordance with the scale laid down for non-labouring prisoners in the Jail Manual, or its money equivalent at current market rates. In all cases where diet is not supplied as when undertrial prisoners have to attend before a Magistrate in camp or when in police custody then an allowance per diem of five annas in the plains or eight annas in the hills may be allowed to each prisoner to provide himself with rations and which will be in addition to the requisite amount of fuel if they desire to make their own arrangements for food.

With regard to (2) reference should be made to paragraphs 110, 113, 113A of the Jail Manual which have also been made applicable to undertrial prisoners by paragraph 409-A of that Manual.

D—Public Prosecutors

887

517. The following public prosecutors have been appointed under section 192(1) of the Code of Criminal Procedure, 1898:

Persons authorised to prosecute.

(a) The Advocate General for all cases which may come before the High Court in exercise of its original criminal jurisdiction.

(b) The Legal Remembrancer for all cases except those which may come before the High Court.

(c) The Government Advocate of the High Court for all cases coming before that Court, except cases which may come before it in the exercise of its original criminal jurisdiction.

(d) All District Government Counsels and additional or assistant Government Counsels, for all cases which may come before the Courts of Sessions in the districts for which they are appointed.

(e) Prosecuting Inspectors and Prosecuting Sub-Inspectors of the district police force and of the Government railway police for all cases coming before Magistrates after investigation by the police in the districts to which they are appointed, or in the districts traversed by the railway lines composing the sections to which they are appointed, as the case may be.

(f) Prosecuting Inspectors and Deputy Superintendents of the Criminal Investigation Department, Uttar Pradesh, Allahabad, for all cases coming before Magistrates or Courts of Sessions after investigation by officers of that department in any district of Uttar Pradesh.

(g) The Chief Inspector of Factories and Boilers, Uttar Pradesh, for all cases under the Factories Act, 1934, except cases which may come up before the High Court.

- 518.** In regard to the prosecution of cases in Magistrates' courts, the Presiding Officer may permit a police officer not below the rank of Sub-Inspector to conduct the prosecution of a criminal case in his court, provided that police officer has not taken any part in investigation of the offence in respect of which the accused is being prosecuted. Old paras 888
- Conduct of prosecution by police officers.**
- 519.** Magistrates should in all important railway cases make special arrangements for the prosecution, if necessary, in consultation with the Legal Remembrancer. 889
- Prosecution of important railway cases.**
- 520.** Rules regarding the duties of law officers and Government counsels and the conduct of cases on behalf of the Government will be found in the Legal Remembrancer's Manual. 890
- Duties of law officers and Government counsels.**
- 521.** Whenever an officer, under Government sanction, prosecutes any person for defamation and wishes to engage any counsel other than the District Government counsel, he must report the name of the counsel whom he wishes to employ to the Legal Remembrancer, who will obtain the approval of Government if the fees payable exceed those chargeable by the district Government pleader. 891
- Engagement of counsel by Government servants in prosecutions for defamation.**

E—Miscellaneous

- 522.** Instructions relating to bail, transfer applications, appeals and applications in revision to the High Court are given in Chapter XIV of the Legal Remembrancer's Manual to which reference should be made in such cases. 939—947
- Applications and appeals to the High Court.**
- 523.** (1) The Superintendent of Police is primarily responsible that no delay occurs in any case, irrespective of whether it is a case in which the investigation has been undertaken by the police or a case investigated by the police under orders of a Magistrate. 850 and 907 (i)
- Delay in cases and check on disposal.**
- (2) To enable the District Magistrate to check delay in the disposal of cases the Prosecuting Inspector will submit to him once each fortnight in police form no. 107 a statement showing the detention of undertrial prisoners, the duration of cases, the adequacy of sentences inflicted and the propriety of discharges and acquittals.

- 524.** (1) District Magistrates should see that the High Court Rules regarding obtaining records are strictly observed in all cases in which Superintendents of Police desire to obtain the record of cases tried by Magistrates on the ground that an application for revision might be considered ; neither the Superintendent of Police nor the Prosecuting Inspector should be permitted to obtain a record, simply 948
- Requisition and inspection of records by police.**
- G. O. no. 847/VI—900-49, dated May 7, 1952 and G. O. no. 693/VI—900-49, dated March 17, 1953.

G. O. no.
2503/VI—
900-1949,
dated
September
14, 1949.

by applying for it, either from the court or from the record room. District Magistrates must not delegate to the Superintendent or to any police officer authority to sign requisitions for records but they must themselves exercise an independent judgment and themselves obtain the record when the Superintendent shows sufficient cause and allow that officer to see it. The Superintendent's application to the District Magistrate on the subject and any note made by him for the Magistrate's consideration in connection with the case are on no account to be made upon, or to remain with, the judicial file. They must remain with the District Magistrate's own file, and should be destroyed when no longer required.

(2) There is, however, no objection to the Prosecuting Inspector or Prosecuting Sub-Inspector being allowed to inspect, without payment of any fee, the records of cases decided by Magistrates on presenting a formal application for inspection to the court concerned or to the officer-in-charge of the record room. This application may be made direct by the Prosecuting Inspector or Prosecuting Sub-Inspector concerned and need not be submitted through the District Magistrate. The inspection shall, however, only be made in the record room and files must not be taken out to prepare acquittal reports.

Similarly Prosecuting Inspectors and Prosecuting Sub-Inspectors may inspect in the record room the records of cases decided by Sessions Judges provided they obtain the permission of the District and Sessions Judge concerned.

Chapter XXXII—Attendance and Allowances to Witnesses.

525. (1) Where the attendance of a Government servant is required by the police under section 170 of the Code of Criminal Procedure, he should immediately give intimation of the fact to his superior, so that the necessary arrangements may be made for his work.

Old paras
897—899

Attendance
Government servants at
investigations
trials.

by
or

(2) There are two different processes by which attendance at criminal courts may be enforced.

(a) Section 170 of the Code of Criminal Procedure applies to cases in which the police have power to investigate and provides that a police officer shall require so many of the persons who appear to him to be acquainted with the circumstances of the case as he may think necessary, to execute a bond to appear before the magistrate and give evidence. In this case no reference to the head of the department, in which that person is serving, is either required by law or ordinarily possible. The government servant required to attend should, however, inform his superior as required by sub-para. (1) above that he has received such intimation.

(b) Section 72, on the other hand, applies only to a summons issued by a magistrate and in no way justifies a government servant in neglecting to attend when required to do so by the police under section 170 of the Code of Criminal Procedure.

526. (1) For the purpose of payment of travelling allowance and diet money criminal courts are authorised to classify complainants and witnesses, who are legally bound to attend such courts, as follows :

900—903

Rules for
of expenses
to wit-
nesses.

Class I—Persons of superior rank ;

Class II—Persons such as traders, pleaders and those of corresponding rank ; and

Class III—Persons belonging to the class of cultivators, labourers and menials.

(2) The rates of travelling allowance and diet money for the three classes of witnesses shall be as shown in the table below :

Class	Travelling allowance by rail	Travelling allowance by road	Diet money per diem.
I	One first class fare each way	Beyond diet money no travelling allowance is ordinarily admissible for journey by road, but	Above II class rate up to a maximum limit of Rs. 4.
II	One second class fare each way.	in special circumstances the actual expenses incurred up to a maximum limit of 8 annas a mile in the case of first class	Rupee one.
III	One third class fare each way.	and 3 annas and 6 pies a mile in other cases may be allowed by the court.	Annas 12.

(3)(a) Diet money shall be paid for the days of actual detention as well as for the time occupied in the journeys to and from the court. The number of days which should be allowed for the journey to and from shall be determined by the officer ordering payment in each case.

(b) In the case of witnesses summoned to give evidence at Naini Tal from the Tarai, Bhabar and Kashipur Parganas the travelling allowance for (a) *padhans* throughout the year and (b) for witnesses of the ordinary class during the rainy season shall be the actual cost of hiring a seat in a motor bus or lorry in addition to the toll tax charged by the Naini Tal Municipality. Witnesses of the ordinary class shall be paid during the non-rainy season, and during the rainy season, if the journey is not performed by a public motor, a lump sum of Re. 1. In the case of witnesses summoned to give evidence at Naini Tal from Tarai, Bhabar and Kashipur parganas belonging to the *padhan* class, the rate of diet money shall be rupee one and annas two per diem, and for those of the ordinary class, annas twelve per diem.

NOTE.—Travelling allowance is limited to expenditure actually incurred and no payment based on the cost of a seat in a motor and no payment on account of toll tax should, therefore, be made to a witness, whether of the *padhan* class or the ordinary class unless he can prove that he has actually travelled by motor. A toll tax receipt should be accepted as proof of the journey having been performed by motor.

(4) When owing to distance or for other reasons it appears to a Court issuing a summons that the person summoned will be put to considerable expense in attending the court it may, at the time of issuing the summons, send the whole or a portion of the travelling and diet expenses allowed by these rules by money order or otherwise to the person summoned.

(5) Witnesses following any profession, such as medicine or law, shall receive a special allowance according to circumstances and custom.

NOTE.—Special allowance to be paid for expert evidence by Registered Accountants should be on a scale of fees ranging from Rs. 50 to Rs. 150 according to the professional standing of the witness for each day spent in attendance or travelling.

(6) No payment on account of travelling allowance or diet money shall be made from public funds to any witness in cases where under the provisions of any law in force the reasonable expense of such witnesses have by order been deposited in Court as a condition precedent to the issue of process to compel his attendance.

(7) Notwithstanding anything contained in the foregoing rules a government servant summoned to give evidence in his official capacity shall draw his travelling allowance in the manner provided in rule 59 of the Financial Handbook, Volume III, and shall be granted by the Court a certificate of attendance which shall be attached by him to the bill.

G. E. no.
3606-R/
XII-C—
352-41,
dated
October 15,
1941.

Old paras.

No expenses shall be paid to such person by the court except when he is summoned to give evidence otherwise than in his official capacity, when he will be entitled to the payment of expenses as in rules (1) to (3).

NOTE 1—(1) Rule 59 of the Financial Handbook, Volume III, reads as follows: "59 (1) A government servant whether he is on duty or on leave, who is summoned to give evidence of facts that have come to his knowledge in his official capacity in any criminal case, or in any civil case to which the State is a party or in a departmental inquiry, may draw travelling allowance at the ordinary rates, on a certificate of attendance granted by the court or the authority conducting the inquiry which he should attach to his bill.

(2) A government servant summoned to give a evidence under any other circumstances is entitled to receive his actual travelling expenses from the court.

(3) Any fees or expenses deposited for the subsistence allowance of the witness in a civil or criminal court and in the case described in class (1) also any fees or expenses for travelling allowance so deposited must be credited to the revenues of the State; provided that if the witness is an employee of the Central Government or a State Railway, the fees or expenses deposited for him should be credited to the department concerned of that Government.

(4) In the case of a witness who is subject to the Payment of Wages Act, 1936, the fees or expenses referred to in class (3) should be credited to Government by the court itself; provided that if such a witness is an employee of the Central Government or a State Railway or any other Commercial Department under the Government of India the fees or expenses deposited for him should be credited by the court direct to the department of that Government.

(5) This rule does not apply to jamadars, village chaukidars, patwaris in the hill potties of Kumaun Division and in the Tarai and Bhabar and Garhwal Bhabar Government Estates and government servants of the fourth class (except naks and police constables) who may receive their expenses from the court in the ordinary way.

NOTE 2.—In the case of a government servant who is summoned to give evidence in his official capacity the term "reasonable expenses" used in section 244(3) of the Code of Criminal Procedure, 1898 shall be held to mean the travelling allowance admissible to him under the Financial Handbook, Volume III.

NOTE 3—No conveyance allowance shall be paid to Civil and Assistant Surgeons for attending court to give evidence in their official capacity.

527. When a civil court, in an inquiry under section 476 of the Code of Criminal Procedure, or in an inquiry held preliminary to the filing of a complaint under section 195(1)(a) of the Code of Criminal Procedure or an offence under Chapter X or XI of the Indian Penal Code, summons and examines witnesses, the latter should get their expenses as if they were witnesses summoned in a criminal trial.

904

Diet money for witnesses attending civil courts conducting inquiries into offences.

528. (1) Persons sent up by the police to have their statements recorded by magistrates under section 164 of the Code of Criminal Procedure should, if not in custody, be paid their diet money and travelling expenses according to their status and the distance travelled at the rates laid down in paragraph 45 for complainants and witnesses attending criminal courts.

925A

Expenses of witnesses examined under section 164, Cr. P. C. and of persons attending inquiries of an executive nature.

(2) In the case of witnesses who are summoned in connection with proceedings of an executive nature, the payment of diet money and travelling expenses is limited to those persons who are summoned or

sent for by the officer conducting the proceedings on his own motion, after he has satisfied himself that a witness has come from such a distance as to involve loss of wages or extra expenses. In cases where a witness is summoned on the application of a party to a proceeding, it is the duty of that party to pay the expenses of the witness in the same way as he would have to do in a civil suit and no expense should be caused to Government on this account.

Old para.
905 B

529. A post office or railway employee summoned to give evidence in a criminal case in which the parties are private persons is entitled to demand from the party on whose behalf or at whose instance he is summoned, the travelling and other expenses of the class or rank to which he belongs, and, in addition, the sum for which he is liable as payment to the substitute officiating during his absence from duty. The sum so payable in respect of the substitute will be certified by the official superior of the witness on a slip which the witness will present to the court from which the summons issued.

Expenses of post
office or railway
employees summoned
on behalf of private
persons.

Chapter XXXIII—Punishments

A.—Fines

530. Direction regarding the procedure to be followed in the recovery of fines imposed by criminal courts are given in sections 386—388 of the Code of Criminal Procedure. Old parus.

Law relating to recovery of fines.

531. It is the duty of the police to demand payment of fines imposed by criminal courts, and for the realization of which a warrant is issued. Magistrates, in issuing warrants for the levy of fines under section 386 of the Code of Criminal Procedure, will direct them to the police. Such warrants should ordinarily be directed through the Prosecuting Inspector to the police officer in charge of the station within which the property of the offender is situated, and may be endorsed by him to any police officer subordinate to him. 918

Rules for the realization of fines.

532. (1) If payment is made on demand the money so received will be paid into the nearest treasury or sub-treasury and the warrant returned with the execution that has taken place endorsed on its reverse. If payment is not made at once, the police officer bearing the warrant will attach the *movable* property of the person fined to an amount that may be sufficient to liquidate the fine. He will then return the warrant to the Magistrate, after endorsing on it the execution that has taken place. 919

Manner of execution.

(2) If it be necessary to sell the movable property so attached, this duty shall under the orders of the Magistrate be performed as follows

(i) At the headquarters of the district, by the nazir attached to the office of the District Magistrate.

(ii) In other places by the Kurk Amin or where there is no Kurk Amin by the person who ordinarily performs the duties of Kurk Amin.

(iii) The provisions of rules 58 to 61 of Order XXI of the Code of Civil Procedure, Act V of 1908, shall apply as far as possible to the investigation of any claims made by any persons other than the offender in respect of any property attached in execution of a warrant issued under section 386(1)(a) of the Code of Criminal Procedure. The procedure for attachment and sale is given in the form of warrant prescribed by Form XXXVII of Schedule V of that Code.

532-A Rules regarding the procedure to be followed by courts in receiving payment of fines are given in rules 6 to 20 of Chapter IX of the General Rules (Criminal).

Accounting of and payment of fines.

B—Juvenile offenders and release on admonition or probation

Old para 533. The power of releasing first offenders should be freely exercised
 920 **Release of first offenders.** by courts empowered under the U. P. Children Act, 1951, or under the Reformatory Schools Act, 1897, and under the U. P. First Offenders' Probation Act of 1938.

G. O. no. 450/XII-1241-1953, dated 24th February, 1951. **534.** The following instructions are given to assist courts having recourse to the provisions of the Reformatory Schools Act :
Detention under the Reformatory Schools Act.

1907—1914

(1) Only youthful offenders between the ages of nine and fifteen years can be sent to a reformatory school for detention. Under section 4 of the Act a "youthful offender" means a boy who has been convicted of any offence punishable with transportation or imprisonment and who at the time of such conviction was under the age of fifteen years.

(2) Under section 8(1) of the Act it is only a youthful offender who has been sentenced to transportation or imprisonment that may be ordered to be detained in a reformatory school. It is, therefore, necessary that besides the order of detention there should be a definite order sentencing the offender to transportation or imprisonment for the offence.

(3) In notification no. 4495/XXII—1241-43, dated January 30, 1951, Government have under section 8(3) (a) made the following rules defining what youthful offenders should be sent to the Reformatory School, Lucknow :

(a) The most proper subjects for reformatory treatment are those without parental or other control, and who have committed an offence or offences against property.

(b) The following classes of youthful offenders should not be sent to reformatory school :

(i) Aheriahs, Beriahs, Bauriahs, Barwars, Bhatus, Daleras, Doms, Haburahs, Kanjars, Nats, Sansiahs and Chain Mallahs in Ballia District.

(ii) First offenders, unless there is reasonable cause for supposing that they are being trained in, or likely again to lapse into, crime.

(iii) Those suffering from serious physical deformity, mental disorder (including epilepsy) or other well marked nervous disease.

(iv) Those who at the time of conviction are under nine years of age.

(4) Under section 8(1) of the Act the minimum period for detention in a reformatory school is three years and the maximum period seven years. Under section 13(2) no person can be detained in the school after he has attained the age of eighteen years. The periods for which youthful offenders may be sent to a Refor-

matory School according to their ages have been prescribed under section 8(3) (b) in Government notification no. 1635/VI—40-B, dated June 18, 1897 and are as follows :

Age at the time of conviction	Periods
Nine years ..	Seven years.
Ten years ..	Not less than five years and not more than seven years.
Eleven years ..	Not less than five years and not more than seven years.
Twelve years ..	Not less than five years and not more than six years.
Thirteen years ..	Five years.
Fourteen years ..	Four years.

(5) Section 11 of the Act requires that before directing any youthful offender to be sent to a reformatory school under section 8, section 9 or section 10, the Court or Magistrate shall enquire into the question of his age, and shall record a finding thereon, stating his age as nearly as may be. Whenever any Magistrate is in doubt regarding the age of a youthful offender, he should obtain the opinion of the Civil Surgeon.

(6) When the order for detention has been passed, the youthful offender should (unless he has to be sent to the district jail owing to want of accommodation in the Reformatory School) be made over to the District Magistrate who should arrange for sending him with the necessary papers to the reformatory school without allowing him to pass through the jail. These papers are a copy of the judgment of the court, together with a short history showing any crime for which the offender may have been previously punished, the position and character of his parents or guardians, and any other facts known to the police which might be useful in dealing with him. The medical certificate as to age, whenever obtained, should also be sent to the Superintendent of the Reformatory School along with the papers mentioned above.

(7) By notification no. 1636/VI—40, dated June 18, 1897, issued under section 8(2) of the Act, all Magistrates of the first class who have summary powers have been empowered to exercise powers under section 8(1) of the Act.

535. Attention is drawn to the provisions of section 31 of the **Release of Juveniles.** Reformatory Schools Act under which youthful offenders convicted of any offence punishable with transportation or imprisonment may be discharged on due admonition or delivered to a parent, guardian or other relatives on execution of a bond.

G. O. no. 2816/VI-595-47, dated September 30, 1947 and G. O. No. 2900/PC/VIII—816-59, dated September 29, 1950.

536. The attention of Magistrates is drawn to the provisions for the release of first offenders on probation contained in the U. P. First Offenders' Probation Act, 1938. Probation Act of 1938 and the following instructions are given in order that effective use may be made of the machinery thereunder :

(1) Magistrates should utilize freely the provisions of this Act and the rules promulgated thereunder by notification no. 463/VI—1651(1)-37, dated March 15, 1939, and of which copies may be obtained in booklet form from the Superintendent, Printing and Stationery, Uttar Pradesh, Allahabad.

(2) In districts where Probation Officers have been appointed by Government the District Magistrate should remain in close touch with them, and the district branch of the Discharged Prisoners' Aid Society. If possible, the Probation Officer may be given office accommodation in the Collectorate.

(3) It is desirable that in every district one Magistrate with special interest in probation work should be entrusted with the trial of all first offenders below 24 years of age.

(4) Magistrates should call freely for reports under rule 12 of the U. P. First Offenders' Probation Rules, 1939. Release under the Act without adequate inquiries is likely to result in the benefit of the Act being extended to undeserving persons, and Probation Officers will not be able to make much headway in such cases.

(5) The courts should take prompt action on the reports of the Probation Officers submitted to them under rules 16, 17 or 18, or under section 11 (a) or 11 (b) of the Act.

(6) The period during which a first offender may be placed under the supervision of the Probation Officer should be such as to enable the latter to exert his good influence over the offender. The shorter this period, the lesser the possibility of the Probation Officer's influence proving useful. Ordinarily, one year should be considered the minimum for probation.

(7) Information regarding accused persons below 24 years of age who are sent up for trial for the first time and who are likely to be dealt with under the Probation Act should be sent to the Probation Officer concerned by the Station Officer through the Prosecuting Inspector at the time of filing the charge sheet. It should also be stated whether the accused is in jail or on bail. The Probation Officer will then, on his own initiative, obtain orders from the Court concerned to conduct the preliminary enquiries required under rule 12 of the U. P. First Offenders' Probation Rules, 1939.

(8) Once a person has been released on probation under the provisions of the Probation Act and has been placed under the supervision of a Probation Officer appointed by Government it is desirable that no action should be taken against him under sub-section (a) of section 109 and section 110 of the Code of Criminal Procedure without previous consultation with the Probation Officer.

C—Whipping

537. The law regarding whipping is contained in sections 390 to 395 of the Code of Criminal Procedure, 1898 and in the Whipping Act, 1909 (IV of 1909). Section 391 (1) of the Code provides for the postponement of the execution of a sentence of whipping in certain circumstances.

Old paras.
922 to 925

538. The punishment of whipping whether by itself or in addition to a sentence of imprisonment should normally be reserved for hardened criminals in whose case imprisonment, or imprisonment alone, will not be likely to have a deterrent effect or for cases in which the crime is accompanied by peculiar brutality.

539. Courts in ordering punishment should observe the distinction drawn by the law between offenders over 16 years of age and those below that age, as contained in section 392 of the Code of Criminal Procedure. The following further instructions are given with regard to whipping of such offenders :

(a) Offenders of or over 16 years of age—

It is desirable in the case of such offenders that the sentence of whipping should ordinarily be carried out at the jail, in which case the instructions in the Jail Manual must be observed. The cane employed should have the minimum diameter of half an inch prescribed by law.

(b) Offenders under 16 years of age—

The following directions are given :

(i) All judicial whipping shall be inflicted in private, preferably in a suitable room or enclosure near the court house or in the alternative in the jail.

(ii) Punishments shall be inflicted in the way of school discipline with a lighter cane than that prescribed for offenders over 16 years of age.

NOTE—If punishment of whipping is not inflicted in jail it must be carried out in the presence of the Magistrate himself. [Section 391 (2) of the Criminal Procedure Code.]

540. Wherever possible punishment by whipping should be inflicted by a person of higher status than a sweeper. When such punishment is administered in a room or enclosure near the court house it should be inflicted by some *chaprasi* or *khalasi* on the regular establishment and no extra charge should be incurred thereon. Canes should be purchased at government expense and charged in the judicial contingent bills.

- Old para.
921
- 541.** By notification no. G. G. O. H. D.-1008, dated the 6th June, 1921 offences under the following sections of law have been notified under section 5 (b) of the Whipping Act, 1909, as offences for the abetment or commission of, or attempt to commit, which *juvenile* offenders may be punished with whipping in accordance with the provisions of that section :
- Juvenile offences punishable by whipping.**
- (1) The Police Act, 1861 (V of 1861), section 34.
 - (2) The Public Gambling Act, 1867 (III of 1867), sections 4, 13 and 15.
 - (3) The Cattle Trespass Act, 1871 (I of 1871), section 24.
 - (4) The Northern India Canal and Drainage Act, 1873 (VIII of 1873), section 70, clauses (1) and (2).
 - (5) The Opium Act, 1878 (I of 1878), section 9.
 - (6) The Indian Forests Act, 1927 (Act XVI of 1927), sections 26, 33, 63 and 77 and rules made under sections 41 and 51, for the infringement of which imprisonment is provided as a penalty.
 - (7) The Indian Arms Act, 1878 (XI of 1878), sections 19, 20, 22 and 23.
 - (8) The Indian Salt Act, 1882 (XII of 1882), sections 9 and 10.
 - (9) The Indian Telegraph Act, 1885 (XIII of 1885), sections 24 and 25.
 - (10) The Indian Railways Act, 1890 (IX of 1890), sections 126, 127, 128 and 129.
 - (11) The Prevention of Cruelty to Animals Act, 1890 (XI of 1890), sections 3, 4 and 5.
 - (12) The Prisons Act, 1894 (IX of 1894), section 42.
 - (13) U. P. Excise Act, 1910 (Act IV of 1910), section 60 (a), (b), (c), (d), (e), (f), (g), (h) and (i) and section 63.
 - (14) The Indian Fisheries Act, 1897 (IV of 1897), sections 4 and 5.
 - (15) The Reformatory Schools Act, 1897 (VIII of 1897), sections 27 and 28.
 - (16) The Indian Post Office Act, 1898 (IV of 1898), sections 61, 62 and 68.
 - (17) The Ancient Monuments Preservation Act, 1904 (VII of 1904), section 16.
 - (18) The Indian Electricity Act, 1910 (IX of 1910), section 40.
 - (19) The Cantonment Code, 1912, section 67(i).

D—Simple imprisonment

542. In awarding imprisonment on conviction the courts have merely to consider the amount and nature of the imprisonment appropriate to the offence and the character and status of the offender ; they should not take into consideration any question of the physical fitness of a convict to labour. It is for the jail authorities to ascertain what labour is appropriate to a prisoner's strength and to put him to that only.

Old paras.
926

543. The cases in which persons are sentenced to simple imprisonment for offences involving no moral turpitude are rare, as a fine is usually regarded as sufficient punishment for such offences. The only particular in which prisoners of this class might suitably receive special treatment, in addition to certain recognised indulgences, is the provision of separate accommodation in certain cases where confinement in association with other prisoners would be felt as a painful indignity. Hence if a convict sentenced to simple imprisonment for an offence not involving moral turpitude so desires, the Superintendent of the jail may provide him with separate accommodation, if available.

927

E—Classification of criminals

544. Classification of prisoners admitted to jails is two-fold :

928

- (a) Classification based on criminal proclivities and
- (b) classification according to status.

Rules regarding the manner of such classification have been framed under section 59 (17) of the Prisons Act, 1894 and are contained in Chapter XII of the Jail Manual, U. P.

545. In the case of every prisoner sentenced to imprisonment the convicting court shall send to the Superintendent of Jail with the warrant the form of classification prescribed by paragraph 286-C of the Jail Manual, U. P. The entries in respect of the classification of the prisoner should be made by the Presiding Officer personally and legibly written in his own handwriting.

929

F—Solitary confinement

546. Government do not consider solitary confinement a suitable punishment for juveniles and sentences of solitary imprisonment should ordinarily not be imposed except in the case of hardened criminals and as provided by law. Instructions regarding the manner of execution of sentences of solitary confinement are contained in Chapter XXXII of the Jail Manual, U.P. and attention in particular is drawn to paragraphs 863 to 865 in that chapter. As stated in paragraph 863 sentences of solitary confinement passed by the courts are executed as if they are sentences of cellular confinement as defined in the

930

PUNISHMENTS

Old paras. "Explanation" to clause (10) of section 46 of the Prisons Act, 1894, which is as follows :

" *Explanation*.—Cellular confinement means such confinement with or without labour as entirely secludes a prisoner from communication with, but not from the sight of, other prisoners".

G—Miscellaneous

931 **547.** In prosecuting cases in which persons convicted are charged with stamp or other frauds, involving a pecuniary loss to Government, the officer conducting or watching the prosecution on behalf of Government, should, at the close of the trial, and prior to the announcement of the court's decision submit for the court's consideration the propriety of imposing, in case of conviction, a fine corresponding to the amount of pecuniary loss incurred or said to be incurred by Government. This course should, however, only be adopted under the orders of the Magistrate of the district in cases where inquiry has shown that the prisoner possesses sufficient property to secure the realization of the desired fine.

932 **548.** Whenever a Government officer is judicially convicted of any offence, a copy of the decision should be sent to the head of the department in which he is employed, in order that such action may be taken in the case as deemed proper.

NOTE.—Copies of judgments convicting government servants or pensioners of criminal offence and also of judgments of acquittals and orders of discharge in respect of such offence shall be supplied free of charge on the application of the Head of the Department.

934 **549.** Whenever a magistrate forwards any convicted or under-trial prisoner of desperate character or notorious criminality to the Superintendent for confinement in jail, he should not fail to draw his particular attention to the prisoner's antecedents and to the expediency of providing special measures for his secure custody.

936 **550.** Female prisoners may be allowed to keep their children with them in jail till they attain the age of six years. When a child attains that age the Superintendent of the Jail will inform the District Magistrate who will arrange for the proper care of the child during the imprisonment of the mother either by restoring it to the care of the father or other relatives, or in default by placing it in an institution or in the custody of a respectable person charged with the duty of bringing it up.

NOTE.—Charges on this account should be included in the judicial contingent bill of the District Magistrate.

937 **551.** Sessions Judges should bear in mind that it is for them to refer to Government any case (whether of child murder by the mother or of any other kind) in which the minimum legal penalty has been awarded and confirmed in appeal but in which the Sessions Judge desires to recommend

Chapter XXXIV—Extradition and absconding offenders

I—Procedure under the Fugitive Offenders' Act, 1881

Old paras.

553. In connection with the extradition of offenders arrested outside India, Magistrates before whom proceedings are taken under section 512 of the Code of Criminal Procedure should inform the Director, Intelligence Bureau, Simla, of the issue of warrants and no reference should be made to the local Criminal Investigation Department.

995

554. In order to secure the return of fugitive offenders evidence should be taken that the person against whom the warrant is applied for has absconded: then evidence that an offence has been committed by such person should be faithfully and minutely recorded under section 512. If the court issues a warrant upon such evidence, that warrant should be in the form prescribed by section 75 and directed as required by section 77 of the Code of Criminal Procedure. Evidence should be taken showing clearly that the offence charged is one to which Part I of the Fugitive Offenders' Act applies or at least a certificate from the Magistrate should be appended to the warrant, clearly showing that the offence charged therein is one punishable with rigorous imprisonment for a term of 12 months or more (see section 9 of the Act and compare paragraph 556 below). All the evidence should be taken, if possible, in the presence of the police officer to whom the warrant is addressed, and to whom it is desired that the fugitive offender should be delivered.

A copy should be made of every deposition and every documentary exhibit; and each copy should contain a declaration signed by the Magistrate as such, that it is a true copy of the deposition taken by himself, or an exhibit produced before him, as the case may be. The whole copy of the record thus made should then be entrusted to the police officer to whom the warrant is addressed, who will be in a position to authenticate every portion of it when produced by him in the possession in which the fugitive offender is at that time.

When the presence of the police officer who is to execute the warrant cannot be obtained at the proceedings referred to above, then each copy must, before being entrusted to the police officer, be sealed with the seal of the State Government. Although the seal of the State Government is not essential when the documents can be authenticated by the oath of a witness in the possession from which it is desired to procure the delivery of the offender, still it is advisable that the seal should be affixed whenever it can be conveniently done.

If the police officer entrusted with the execution of the warrant is unable to identify the accused, he should be accompanied by some person able to identify the accused who should go to the possession from which the return of the accused is desired.

996-997

555. (1) The procedure followed in obtaining extradition under the Act is intricate and it is essential that it should be carried out correctly. In order to avoid error a reference should be made to the State Government in every case before action is taken to extradite a fugitive offender from any place outside India.

(2) The approval of the District Magistrate should be obtained by subordinate Magistrates in any case in which action under the Fugitive Offenders' Act appears necessary.

Old paras.

556. (1) In all applications for the removal of an offender from the United Kingdom under the Fugitive Offenders' Act, 1881, the following facts must be proved by the evidence of any person competent to prove them :

298

Provisions affecting fugitive offenders in the United Kingdom.

- (a) The statute under which the charge is brought.
- (b) That the statute is still in force.
- (c) That the facts charged, if established by evidence, constitute the offence dealt with by such statute.
- (d) That the offence is punishable under the statute by 12 months' rigorous imprisonment or some greater punishment.

(2) The most convenient method of securing this will be to arrange that all applications of this nature shall be accompanied by the deposition of a judge, advocate, barrister, solicitor or any official in a position from which a knowledge of the law may be presumed, duly authenticated in the manner provided for by section 29 of the Fugitive Offenders' Act and containing the necessary evidence. The above course should ordinarily be followed but cases may occur in which it may not be quite suitable. In such cases, since a point of Indian Law may also be proved by oral evidence, arrangements can, if necessary, be made for the attendance of any competent witness who happens to be in England at the time.

(3) The effect of section 29 of the Fugitive Offenders' Act is that depositions should be duly authenticated and should be sealed with the seal of the Government of India. Hence where depositions are recorded on loose sheets every page will need to be authenticated but if the whole of the depositions are sewn together with tape of which the ends are fastened with the seal and include with the depositions under that seal a certificate signed by the Judge that the depositions are authentic, such depositions will usually be accepted by the British court before whom the fugitive offender is brought.

Government of India
Letter no.
F. 26-1/48
O. S. V.,
dated 26th
December,
1948.

557. No satisfactory arrangements regarding extradition of fugitive offenders from Pakistan to India and *vice versa* have been reached. Hence in the absence of any valid agreement effect should not be given to any request received from Pakistan for extradition of any offender from India. Every care should, however, be taken to see that offenders in India do not escape to Pakistan as in the absence of extradition arrangements it will not be possible to have them extradited from Pakistan to India.

Government of India
Letter no.
F. 31-7/49-
Pak. II,
dated 16th
December,
1951.

II—Extradition

A—NEPAL.

old par a.

1919

558. The District Magistrates may in extradition cases correspond **Correspondence in** directly with the Nepalese officials concerned, **extradition cases.** each giving the other his full address. In such cases District Magistrates will at the same time send copies of all such correspondence to the Ambassador for India in Nepal through the State Government for information. When the correspondence in the first instance is between the Indian Ambassador and the Nepal Government each will inform the other of the name and address of the local authorities of their respective Governments who will correspond directly with each other.

1011

559. The undermentioned offences are the only offences for **Requests for extra-** which extradition from Nepal can be demanded **diction.** and Magistrates can only demand the extradition of an Indian national. The question of nationality ordinarily depends on the place of birth. Warrants are not required with demands for extradition, and the Ambassador cannot comply with them as such. The question of nationality will not, however, arise in the case of a deserter from the Armed Forces :

Murder or attempt or conspiracy to murder.

Culpable homicide not amounting to murder.

Grievous hurt.

Rape.

Dacoity.

Highway robbery.

Robbery with violence.

Burglary or house breaking.

Arson.

Desertion from Armed Forces.

Offences against the laws prohibiting the export and import of goods.

Embezzlement by public officers.

Serious theft, that is to say, cases of theft where violence has been used or where the value of the property stolen exceeds Rs. 500 and cattle stealing.

Abduction or kidnapping.

Forgery and the use of what is known to be forged, counterfeiting or altering money; uttering or bringing into circulation counterfeited or altered money.

Receiving of illegal gratification by a public servant.

Escaping from custody while undergoing punishment after conviction for any of the offences specified above.

560. When an offence seems *prima facie* to come within the definition of murder in section 300 of the Indian Penal Code, the demand for extradition should be made under the head of murder, although there may be some chance that on trial the offence may be found to fall under one of the exceptions to the section. Old para-
1012.

561. Where extradition is sought, magistrate will give information to the local authorities of the Nepal Government of the place of hiding of the Indian national in question who has absconded into Nepal and also furnish an account of the crime with which he is charged. An accurate description of the accused's personal appearance and the names of the thana or pargana, the village and the owner of the house where he has taken refuge should, if possible, be given. As full an account as circumstances will allow of the offence with which he is charged should be drawn up from the police papers or from the depositions made before the magistrate and should be authenticated and forwarded with the above information and with a request for detention of the accused. Copies of these documents should at the same time be sent to His Excellency the Ambassador of India in Nepal through the State Government for communication to the Nepal Government. 1013

A copy of the required evidence is at the same time to be furnished by the District Magistrate in India to the Ambassador in Nepal, through the State Government who, if satisfied that a *prima facie* case is made out, will request the Nepalese Government to issue orders to make over the accused, if an Indian national, to the nearest Indian police or, if a Nepalese subject, to try him in a Nepalese court and to communicate the result in due course.

Warrants issued by courts in India have no legal force in Nepal.

562. Under the treaty with Nepal, the Ambassador for India can only demand the extradition of Nepalese subjects for the offences enumerated below paragraph 559. Where, however, the Ambassador for India issues a warrant under the Indian Extradition Act, 1903, the magistrate must either comply with it or take action under section 8-A of the Act after production of the accused before him and after recording his statement. Such warrants can be issued by the Ambassador for the arrest of any person for any offence specified in the schedule to the Indian Extradition Act, 1903. 1014

563. The demand may take the form of a requisition under section 9 or of a warrant under section 7 of the Indian Extradition Act, 1903. In the former case if the person arrested satisfies the court in India that he is not 1014A

Old paras. a Nepalese subject, the court, if it finds that a *prima facie* case is established, should follow the procedure set out in section 3 of the Act, which section 9 imports, and report the case to Government for orders. In the latter case, the court should proceed under section 8-A of the Act. It will then be for Government to decide the question of nationality.

1015

564. In cases in which the Ambassador desires the extradition of a person whose nationality is doubtful, the magistrate should on receiving a requisition arrest the accused under the Indian Extradition Act, 1903 and make the necessary inquiry as to nationality and inform the Ambassador through the State Government of the result so that he may issue a warrant for the extradition of the accused to Nepal or grant a certificate under section 188 of the Code of Criminal Procedure for his trial in India according to the result of the inquiry made.

Procedure when
nationality is doubtful.

1016

565. A case occurred in which the Nepal Government applied for the extradition of Nepalese subjects charged with the treaty offence of cattle theft, although the accused had already been tried in India for dishonest possession of the cattle in question and sentenced to two years' rigorous imprisonment.

Surrender of Nepalese
subjects for offences com-
mitted in Nepal.

In such cases extradition cannot be refused and persons suspected of having committed such offences should be detained; if upon reference to the Nepal Government it is ascertained that the accused is a Nepalese subject, and that he has apparently committed the offence complained of in Nepalese territory, he can, upon suitable requisition made, be surrendered at once to that Government for trial.

1017

566. The Nepalese Government have issued orders that in cases where the surrender of a Nepalese subject, who is charged with having committed a crime in Nepal and has fled into India, is desired, the local official will give to the nearest magistrate in India such information of the accused's place of refuge as may lead to his arrest, and such evidence as will justify his detention for a reasonable period. They will, without delay, furnish copies of the information and evidence to the Prime Minister of Nepal for communication to the Ambassador for India. The Ambassador will then either issue a warrant for the accused, or, if a reference to Government is first needed, will take steps to ensure detention of the accused.

Intimation regarding
Nepalese offenders seek-
ing refuge in India.

1018

567. District Magistrates should always notify the Ambassador for India through the State Government without delay of the date on which they surrendered a person to the Nepalese Government and also of the result of the trial of a person accused of an offence in

Ambassador to been-
formed of result of
extradition.

Nepal but which trial is held in India in accordance with a certificate issued by the Ambassador under section 188 of the Code of Criminal Procedure.

568. The District Magistrate concerned in India should intimate through the State Government the exact date of arrest of all accused persons from Nepal by telegram to the Ambassador for India in Nepal, at the same time informing the local Nepalese authorities concerned of the arrest. This procedure will enable the Indian Ambassador to move the Nepalese Government in each case at the earliest possible date and will minimise the number of references to the State Government or at least render it possible to send applications for extension of detention beyond the prescribed limit in good time. If this procedure is followed and no application is received from the Indian Ambassador on behalf of the Nepalese Government for extension of the periods, before expiry of two months from the date of arrest of the accused, then they may be released. Before doing so, however, the District Magistrate should inform the Ambassador for India through the State Government by telegram of the date on which the accused will be released so as to enable the Ambassador to warn the Nepalese Government.

G. O. no.
2300/VI—
1997-33,
dated
November
29, 1934.

569. In deciding nationality the magistrate concerned should not confine himself merely to recording the evidence of a few persons indicated by the accused to the effect that he or she knew the person and was present at his birth, etc., but there should be a real effort on the part of the magistrate to ascertain the truth. The court should call upon the headman of the village or examine the revenue records and should itself ask independent questions aimed at ascertaining the real facts of the case. The result of the trial frequently depends on the outcome of this investigation and it is, therefore, important that it should be carefully carried out, and more so as the Nepalese Government are placed at a disadvantage owing to the difficulty of producing their evidence in a distant court and of cross-examining the witnesses. The magistrate dealing with the question of nationality should invariably record a brief finding giving reasons, etc., for his decision.

Old para.
1020

G. O. no.
605/VI—
1997-33,
dated April
26, 1934.

570. In order to minimise the period of detention in India under section 10(3) of the Indian Extradition Act, the following instructions should be followed in respect of persons accused of commission of offences in Nepal :

Government
of India,
Foreign and
Political De-
partment
notification
no. F-399/
X-32, dated
July 26, 1933
G. O. no.
679/VI—
1997-33,
dated April
28, 1933.

(a) The District Magistrate concerned should forward to the Ambassador for India through the State Government on the first

of each month a list of all accused persons remaining under arrest under the Indian Extradition Act in the following form :

Name of accused	Caste	Father's name	Residence	Designation of Nepalese official applying for arrest	Date of application for arrest
1	2	3	4	5	6

Date when arrested	Crime for which arrested	Date when intimation of arrest sent to Nepalese official concerned	Date when intimation of arrest sent to Ambassador for India	Remarks
7	8	9	10	11

Signature.....

District Magistrate.

(b) The magistrate should record immediately the statement of the accused person and any evidence in support thereof regarding his nationality and this should be forwarded to the State Government for transmission to the Ambassador for India with the magistrate's report of the arrest.

(c) *Prima facie* evidence of criminality when received by the magistrate from local Hakims should, be forwarded to the State Government for onward transmission to His Excellency the Ambassador for India in Nepal for issue of warrants or certificates, as the case may be.

B—BHUTAN

Old para.
1021 A.

571. Under the terms of an agreement with the Government of Bhutan, dated the 13th December, 1910, extradition from Bhutan to India and *vice versa* can be obtained on the following terms :

(a) If the Bhutan Government make a demand in writing for the surrender of any Bhutanese subject accused of any of the crimes specified in the first schedule to the Indian Extradition Act, 1903, who has taken refuge in Indian territory the Indian Government shall take proceedings in accordance with the provisions of the said Act.

(b) If the Central Government or the Political Agent in Sikkim, being the person duly authorized by the Central Government in this behalf, demand the surrender of an Indian national or subject of a foreign power, whose extradition may be required in pursuance of any agreement made by the Indian Government with the said power, and who is accused of any of the crimes specified in the first schedule to the Indian Extradition Act and who has taken refuge in Bhutan or of any Bhutanese subject who, after committing any of the crimes referred to in Indian territory has fled into Bhutan, the Government of Bhutan shall surrender such person, provided that evidence of their guilt, sufficient to satisfy the local court of the district in which the offence was committed, has been produced.

Old para.

C—FRENCH POSSESSIONS IN INDIA

572. Under the stipulation of Article IX of the treaty of the 7th March, 1815, which relate exclusively to the

1021

Extradition procedure. French possessions in India and Indian territory it has been customary to surrender persons accused of non-political offences of a grave character upon applications supported by a warrant and the summary of the charges, no depositions of the witnesses being required; and it has not been considered necessary to observe the most stringent provisions of section 3 of the Indian Extradition Act, 1903, and sections 3 and 10 to 33 and 34 Viet., cap. 52, relating to extradition.

D—EXTRADITION BETWEEN INDIA AND BRITISH EMPIRE COUNTRIES

573. No rules of procedure have been framed by the State Government to regulate the extradition of criminals to Foreign States under Chapter II of the Indian Extradition Act, 1903. The

G. O. no. 899-474/14, dated March 4, 1911.

Reference to State Government.

The procedure necessary for extradition is intricate and it is essential that it should be carried out correctly. In order to avoid error, a reference should be made to the State Government in every case before action is taken to extradite a fugitive offender from places outside India.

III—Property of absconding offenders

574. Section 88 of the Criminal Procedure Code provides that the property attached thereunder shall be at the disposal of the State Government but that it shall not be sold till the expiration of six

999

Instructions relating to immovable property.

months, unless it is of a perishable nature or the magistrate considers that the sale would be for the benefit of the owner, but it does not prescribe that the property must be sold, and unless the circumstances are very exceptional (such for example as involve treason against the State), sale ought not to take place in the case of immovable property such as land, houses, etc.

EXTRADITION AND ABSCONDING OFFENDERS

When the accused person does not appear at the end of six months, immovable property attached should continue to be held under attachment until the expiration of the two years contemplated in section 89, and should he then fail to appear, the orders of the State Government for the final disposal of the property should be solicited, with a statement of the facts of the case.

It should also be borne in mind that if a claim or objection has been preferred to the attachment of any property or a suit has been instituted to establish the right which is claimed in the property, the property should not be sold until the claim, objection or suit has been disposed of.

NOTE—The State Government, at whose disposal are the sale proceeds, considers it desirable that, so far as may be possible, the attachment and sale of undivided shares in houses belonging to a joint family should be avoided.

Chapter XXXV—Village headmen

A—Rules under section 45 (3) of the Code of Criminal Procedure

575. The District or Sub-Divisional Magistrate shall appoint one or more village headmen in each inhabited village in the district ; provided that if one or more outlying hamlets be included within the *hadbast* of the village the District or Sub-Divisional Magistrate may at his discretion refrain from appointing a separate headman in each hamlet. A headman will not be appointed in a village which is uninhabited.

Old para. 1099

Appointment of village headmen.

576. The village headman shall be appointed from among the residents of the village ; if, however, a suitable appointment cannot be made from among the residents of each individual village, the District or Sub-Divisional Magistrate may group villages for the purposes of section 45(3) of the Code of Criminal Procedure and appoint one headman for all the villages constituting the group or circle.

1100

Selection.

577. In appointing village headmen regard should be had to character, position and influence. In districts where muquddams or representatives of the tenantry are recognised by custom, the appointment of such persons to be headmen will be appropriate.

1102

Requisites for appointment of village headmen.

578. A register of village headmen in the tahsil shall be maintained by the tahsildar ; and each police station shall be furnished with a copy of the entries relating to villages within its jurisdiction.

1103

Register of headmen.

579. When a village headman proposes to be absent from the village for a considerable time, he shall nominate a substitute for the approval of the District or Sub-Divisional Magistrate, and shall also inform the Tahsildar verbally or in writing.

1104

Arrangements during absence.

580. The police shall have no connection with the appointment of, and no authority over, village headmen.

1105

Police to have no authority over headmen.

581. The District or Sub-Divisional Magistrate may at any time remove a person appointed to be a village headman from the office of village headman ; and may add to or reduce the number of village headmen appointed to a village.

1106

Removal of village headman.

B—Duties of village headmen

582. The duties of a village headman are enumerated in section 45 of the Code of Criminal Procedure and under clause (f) of subsection (1) of that section the village headman may be required by the District Magistrate or Sub-Divisional Magistrate, with the previous sanction of the State Government, to communicate information in

1107

respect of matters likely to affect the maintenance of order and certain other matters. The State Government has, therefore, specified the following matters in respect of which the District Magistrate or Sub-Divisional Magistrate may by general or special order direct headmen to communicate information :

(a) the circulation of letters or notices or signals more specially when these enjoin or denote concerted action of any kind, lawful or unlawful ;

(b) the visits of itinerant lecturers and preachers ;

(c) the collection of funds for any common purpose, lawful or unlawful ;

(d) the meetings of *sabhas* or other similar associations, whether the object be lawful or unlawful ;

(e) the possession of unlicensed arms by persons within the villages in which they have to report the occurrence of serious crime generally ;

(f) the passage through, or assembly in, the village of a body of persons associated or suspected of being associated for a common illegal purpose ;

(g) the departure from his house and his destination, if known, of any bad character residing in the village whose movements they have been directed to report by the officer in charge of the police station within the limits of which the village is situated ;

(h) the arrival in the village of any suspicious stranger, together with such information as they can obtain regarding his antecedents and residence ; and

(i) any hostile activity in time of war.

Note (1) to
para. 1107.

District Magistrates or Sub-Divisional Magistrates are at liberty to apply to the Government for authority to require reports by headmen on any point involving agitation on the subject of land, religion or other practices which may not be comprised in the above list.

Note (2) to
para. 1107.

The legal responsibility of village headmen to report all matters mentioned in the foregoing paragraph and in clauses (a) to (e) of section 45 of the Criminal Procedure Code should be strictly enforced. Headmen should be made to understand that by failure to report such matters they bring themselves within the scope of section 176 of the Indian Penal Code. In order that he may realize his responsibilities every headman should on appointment receive an order of appointment setting forth the duties of his office.

Chapter XXXVI—Miscellaneous orders

- 583.** In the exercise of their judicial functions, canal officers are entirely subordinate to the magistrates of the district within whose jurisdiction any alleged offence was committed. The revisional jurisdiction vested in the District Magistrate should be constantly kept in view and acted upon at discretion. The judicial work performed by canal officers should be detailed and commented on, when necessary, in the annual district report. Regular inspections of some of the cases disposed of by canal magistrates will enable the District Magistrate to satisfy himself whether the canal magistrate, in the exercise of his magisterial duties, is acting with impartiality, promptness and moderation. Old paras
1115
- 584.** All canal officers exercising judicial powers should submit to the District Magistrate in the prescribed form an abstract of the cases decided by them during the month and which should be sent as soon as possible after the end of each month. 1116
- 585.** Rules regarding the escort of prisoners to and from courts made under section 51 of the Prisoners' Act, 1900 are contained in Appendix 21 and rules regarding guards and escorts for the transfer of prisoners, both undertrial and others, will be found in the booklet entitled "Rules for guards and escorts" and also in the Jail Manual, U. P. 1119
- 586.** When magistrates have occasion to forward a prisoner from their own to another district, they should invariably transmit either by post or with the escort a *rubkar* or letter containing a district statement of the order in furtherance of which the despatch is made. 1120
- 587.** Permission to play certain games in public should never be granted. Either the game is unobjectionable in which case no permission is necessary, or (which is more frequently the case) the game is a gambling game in which case permission is improper. 1122
- 588.** The publication by advertisement in newspapers of any proposals regarding lotteries, which have not been authorized by the Government, is an offence punishable under section 294-A of the Indian Penal Code. Magistrates should, therefore, take steps to make Government acquainted with any such cases occurring in their district, in order that sanction to the prosecution of the offenders may be obtained under section 196 of the Criminal Procedure Code. 1123

NOTE—The publication in India of proposals relating to lotteries to be held beyond India constitutes an offence under the Penal Code.

Old paras.
1121

589. Local authorities should never accord sanction to the holding of lotteries nor authorize advertisements regarding such undertakings. The granting of such permission is objectionable and no encouragement of any kind should be given to such practices and any application for permission to hold lotteries should be invariably refused.

1125

590. The instructions to be observed by police and other officers sending documents for examination by the Government Examiner of Questioned Documents or in requiring his attendance in a court of law are given in Appendix 22.

Home Department
(Criminal) file
U. O. no. 8967
VI—53, page
18.

591. A firearms section functions in the Scientific Section of the Criminal Investigation Department at Lucknow and undertakes examination of all kinds of firearms, bullets and cartridge cases. Reference should, therefore, be made to that section in any case in which expert opinion is required in respect of firearms, cartridges or their components.

As the Criminal Investigation Department have their own expert at Lucknow, cases are rarely, if ever, sent to the Government of India's Ballistics Expert at Simla. If, however, in exceptional circumstances a case is referred to the latter, fees will be chargeable in addition to first class travelling allowance if called to give evidence.

1126

592. To avoid inconvenience, railway police cases should never be tried by a magistrate when out in camp. Trial of railway cases. The District Magistrate will arrange for the trial of such cases at the district or sub-divisional headquarters as convenient excepting those cases tried by a Special Railway Magistrate within railway limits.

1127

593. (1) The rules made under section 84 of the Indian Railways Act, 1890 regarding notices of, and inquiries into, railway accidents are contained in Appendix 23.

(2) The procedure to be followed in dealing with claims arising from injury or loss sustained in railway accidents is given in the rules made by the Central Government under section 82-J of the Indian Railways Act and are reproduced in Appendix 24. In the Government of India's notification no. 893-TG/1, dated the 28th August, 1950, orders have been issued under section 82-B of the Act appointing certain District and Additional District Magistrates as *ex officio* Claims Commissioners for inquiry into and determination of all claims for compensation arising out of *minor* accidents occurring within their respective jurisdiction. An extract from that notification will be found in Appendix 25.

594. The rules made under section 20-A of the Stage Carriages Act, 1861, are contained in Appendix 26.

Old para.
1129

stage carriages.

595. (1) In any case which comes before a court of session the court may engage a counsel to defend an accused person if—
Defence of accused charged with capital offence.

1139 and
1139-A

(a) the charge against him is such that a capital sentence is possible, and

(b) it appears that he has not engaged counsel and is not possessed of sufficient means to do so.

(2) To enable the sessions court to arrive at a decision with regard to the second condition at (b) above, the committing magistrate shall in such cases make enquiries and report to the court to which the commitment is made whether the accused has means to appoint counsel or not. Each case must be decided on its merits and no hard and fast rules as to insufficiency of means should be applied. The sessions court in making its decision shall not be bound by the report of the committing magistrate.

(3) Only experienced lawyers, so far as they are available, should be engaged to defend the accused. The counsel appointed under this rule shall be furnished with the necessary papers free of cost and allowed sufficient time to prepare for the defence.

596. Rules regulating possession for sale and the sale of poisons and the conditions on which a licence may be granted under section 2 of the Poisons Act, 1919, are published in the form of a separate pamphlet to which reference may be made for guidance.

1065 to 1082

Rules under the Poisons Act.

VII—JUDICIAL DEPARTMENT

Chapter XXXVII.—Powers and Jurisdiction

597. The Legal Remembrancer has been *ex officio* authorised under the Code of Civil Procedure to act for the State Government in respect of judicial (civil) proceedings.

Legal Remembrancer authorised to act in Civil cases.

Old paras. 1201

598. Under section 388(1) of the Indian Succession Act, 1925, all munsifs in the Province of Agra, all Civil Judges in the Province of Avadh, the Civil Judge of Dehra Dun, the Civil Judges of Banda, Mirzapur, Jaunpur, Mathura and Bareilly, and the Civil and Sessions Judges of Fatehpur, Bijnor and Pilibhit, are invested with the functions of a district court under para. X of the said Act within the local and pecuniary limits of their ordinary jurisdiction.

Grant of powers under the Indian Succession Act.

1205
Notification no. 2648(8)/VII, dated December 3, 1939.

599. The Governor has been pleased to direct that all district judges in Uttar Pradesh shall have jurisdiction in all matters under the Indian Companies Act, 1913, in respect of companies whose subscribed capital does not exceed Rs.50,000 and which are registered within their respective jurisdictions. District judges shall further exercise powers in respect of all companies under sections 76, 101, 120, 124, 125, 137, 244-B(5) and 249-A of the said Act.

Jurisdiction under the Indian Companies Act.

G.O. No. 3947/VII—595-48, dated August 7, 1950.

Nothing in this paragraph shall be construed to prejudice the exercise of powers conferred on the District Judge, Kanpur, under the Indian Companies Act, 1913, by the Industries Department's notification no. 1528/XVIII—333, dated September 24, 1924.

600. Under section 36 of the Bengal, Agra and Assam Civil Courts Act, 1887, the Governor has directed that the powers of Sub-Divisional Officers in the Tehri-Garhwal District who have been invested with the powers of a Munsif shall extend to all original suits the value of which does not exceed Rs.5,000.

Civil jurisdiction of Judicial Sub-divisional Officers in Tehri-Garhwal.

G.O. No. 6317/VII—1203-48, dated February 12, 1952.

Chapter XXXVIII.—Jurors and Assessors

Old paras.
892

601. The following persons have been exempted by the State Government under the provisions of section 320(1) of the Code of Criminal Procedure, 1898, from service as jurors and assessors:

(i) Persons actually employed on a railway as listed in Appendix 27.

(ii) Persons actually employed in the Government Press, Allahabad, as Superintendent, Government Press, Deputy Superintendent, Government Press, Head Assistant, Office Department, Examiners, Foremen in charge of sections, Assistants in charge, store-rooms.

(iii) All persons holding titles not lower in rank than that of Rajas or Nawabs conferred or recognized by Government.

893—896

602. (1) Every person who attends in obedience to a summons issued under Chapter XXIII of the Code of Criminal Procedure in order to serve as a juror or assessor at a trial before any court of Session shall be entitled to his *bona fide* travelling expenses if his place of residence is not less than five miles distant from the court which he attends. Such travelling expenses shall not exceed the railway fare to and from the court when the persons summoned can perform the whole journey by rail.

(2) Every person summoned as a juror or assessor shall, if detained by the court for more than one day, be entitled to subsistence allowance for the whole term of his attendance at court, such subsistence allowance not to exceed Rs.5 per diem.

(3) In every case in which a person is summoned as a juror or assessor, the court at which his attendance is required shall, if he is entitled to travelling allowance under sub-para. (1), determine the class by which he is entitled to travel by rail in view of his rank or position, as also the other *bona fide* travelling expenses which he has incurred in coming to court and which will be incurred on his return journey: the court should, when payable, also determine the daily rate at which subsistence allowance is granted under sub-para. (2).

A certificate in the following form should be furnished by every juror or assessor before payment of his expenses.

Form of Certificate

I hereby certify that the travelling expenses *bona fide* incurred by me in attending this Court as a juror/assessor in obedience to a summons are as noted below :

My place of residence is not less than miles distant from the court.

JURORS AND ASSESSORS**253**

	— —		<i>Coming</i>	<i>Returning</i>	<i>Total</i>
Railway fare	..	..	..	..	..
Carriage hire	..	..	..	..	..
Dated.....				<i>Juror</i>	
				<i>Assessor</i>	

(4) The expenses of jurors and assessors summoned to attend the Court of Session shall be paid by the order of the Sessions Judge. Such payment shall be debited against the annual budget grant for " Expenses of complainants and witnesses ".

Chapter XXXIX—Production of Official Documents in Courts

G. E. No.
6295/VII—
822-51, dated
January 11,
1952.

603. The law relating to the production of unpublished official records as evidence in courts is contained in sections 123, 124 and 162 of the Indian Evidence Act, 1872 (Act I of 1872), which are reproduced below :

“123. No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

124. No public officer shall be compelled to disclose communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure.

162. A witness summoned to produce a document shall, if it is in his possession or power, bring it to court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the court.

The court, if it sees fit, may inspect the document, unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

If for such a purpose it is necessary to cause any document to be translated, the court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence; and, if the interpreter disobeys such direction, he shall be held to have committed an offence under section 166 of the Indian Penal Code.”

604. For the purposes of section 123 above, the expression “officer at the head of the department” may be held to mean the officer who is in control of the department and in whose charge records of the department remain. Ordinarily such an officer would be the Secretary to the State Government in the case of State Governments and the Secretary, Additional Secretary or Joint Secretary in charge of the Ministry in the case of the Government of India. But in case of attached offices like Directorates, the Director General may be regarded as “the Head of the Department” for the purposes of this section. Only such an officer should be treated as the authority to withhold or give the necessary permission for the production of official documents in evidence. In case of Part C States the Chief Commissioner may be regarded as the head of the department and not his Secretaries.

605. In respect of documents emanating (1) from a higher authority, i.e., the Government of India, or the State Government, or which have formed the subject of correspondence with such higher authority, or (2) from other Governments, whether foreign or members of the Commonwealth, the head of the department

Officers authorised to withhold permission.

Reference to higher authority.

should obtain the consent of the Government of India or of the State Government, as the case may be, through the usual official channels before agreeing to produce the documents in Court, or allowing evidence based on them unless the papers are *intended for publication or are of a purely formal or routine nature*, when a reference to *higher authority may be dispensed with*.

606. In the case of papers other than those specified in paragraph 605 above, the head of the department should not allow production of the correspondence if it relates to matters which are generally regarded as confidential, or disclosure of which would, in his opinion, be detrimental to public interests, or to matters which are in dispute in some other connection, or have given rise to a controversy between Government and some other party.

Non-disclosure of certain papers.

607. In case of doubt the head of the department should invariably refer to higher authority for orders.

Reference in doubtful cases.

608. These instructions apply as well to cases in which Government is a party to the suit. In such cases much will depend on the legal advice as to the value of the documents, but before they are produced in court, the considerations stated above must be borne in mind and reference to higher authority made, when necessary.

Instructions in cases in which Government is a party.

609. The Government servant who is to attend a court as a witness with official documents should, where permission under section 123 has been withheld, be given an affidavit in the form appended duly signed by the head of the department. He should produce it when he is called upon to give his evidence, and should explain that he is not at liberty to produce the documents before the court, or to give any evidence derived from them. He should, however, take with him the papers which he has been summoned to produce.

Procedure when permission withheld.

610. The head of the department should abstain from entering into correspondence with the presiding officer of the court concerned in regard to the grounds on which the documents have been called for. He should obey the court's orders and should appear personally, or arrange for the appearance of another officer in the court concerned, with the documents, and act as indicated in paragraph 609 above, and produce the necessary affidavit if he claims privilege.

Abstention from correspondence with courts regarding documents withheld.

FORM OF AFFIDAVIT

In the court of

Suit no.....of 19 .

I, ... Secretary
to the Government in the.....
do hereby solemnly affirm and state as follows :

A summons bearing no....., dated
issued by the Court of.....
in suit no. of 19 (.....
versus.....) has been received in the
department of on
19 , for papers and documents relating to
I, as the Head of am in
control of the department and am in charge of the records of the
department. I have carefully considered the relevant papers, pro-
ceedings and documents and have come to the conclusion that they
are unpublished official records relating to affairs of State and should
not be permitted to be produced in court, and that any information,
particulars, details or communications derived from or connected with
the same cannot be divulged without injury to public interest. I,
therefore, withhold permission to produce the said papers, proceedings,
correspondence and documents or to give any evidence derived there-
from.

Solemnly affirmed at this.....day of
.....19 .

Secretary

In the

Sworn before me.

Chapter XL—Defence of False Civil Suits in Distant Courts

Old paras.
1300 A

611. When a defendant receives a summons in a civil suit, which he alleges to be false, he should, if he intends moving Government for assistance, report the matter, as soon as possible, to the Collector of his district.

1300 B

612. The Collector should require the defendant to file an affidavit and to execute an agreement bond (in form no. 43-G) to the effect that he will make over to Government all costs awarded to him by the court and that, if he compromises or adjusts the suit or any criminal case arising therefrom without the sanction of the Government or their representative, he will pay to Government all costs and sums spent by the Government on his behalf. These bonds need not be registered.

The Collector should also require the defendant to execute a power-of-attorney in favour of the Assistant to the Deputy Inspector General of Police, Crime and Railways, Bengal, if the suit was instituted in the Small Cause Court, Calcutta. The procedure for executing the powers-of-attorney in respect of suits instituted in other places is laid down in paragraph 613.

1300 C

613. The Collector should satisfy himself as to the stage the fraudulent proceedings have reached. If the case is still pending he should forward the defendant's affidavit and the power-of-attorney to the Deputy Inspector General of Police, Crime and Railways, Bengal, if the suit has been instituted in Calcutta, and ask the officer concerned to arrange for the postponement of the hearing of the suit. The Commissioners of Police, Bombay and Madras, should be addressed with regard to the suits instituted in Bombay and Madras respectively. In these cases the affidavit alone should be sent to the Commissioner of Police concerned and he should be asked to arrange for an adjournment of the suit. In suits instituted in the Alipur Courts the Collector of the 24-Parganas should be addressed, and in those instituted in the Hoogly and Howrah Courts, the Collector of Hoogly. As regards suits filed in other places, the Collector of the district having jurisdiction in the place where the suit was instituted should be communicated with. The affidavit of the defendant should be sent to the Collector concerned, and he should be asked to instruct the District Government Counsel of his district to appear for the defendant. The power-of-attorney in favour of the District Government Counsel in these cases will be drawn up at the place where the suit was instituted and will be sent for execution by the defendant to the Collector making the reference.

1300 D

614. The Collector should not write to the civil court direct for an adjournment of the suits, as in suits between private persons the civil courts are not bound to act on such requests. It is necessary that a formal application for the postponement of the suit should be filed by an advocate on behalf of the defendant or by the defendant's authorized agent.

Old paras.
1300 E

615. If the suit has been decreed ex parte, the authorities mentioned in paragraph 613 should be asked to instruct an advocate to apply for the setting aside of the decree, and for the rehearing of the case (see Order IX, Rule 13, Civil Procedure Code). This application should be filed within 30 days from the date of the decree or, where the summons was not duly served on the defendant, from the time the defendant became aware of the decree.

1300 F

616. Having made arrangements for the postponement of the hearing of the suit or for the reversal of the decree, as the case may be, the Collector should immediately refer the matter to the Superintendent of Police, Criminal Investigation Department, Uttar Pradesh (Investigation Branch), Lucknow.

1300 G

617. If it appears from the Collector's letter that no steps have been taken to prevent the suit from being decreed ex-parte or to prevent the 30 days limit from running out in the case of ex-parte decree, the Investigation Branch of the Criminal Investigation Department should call the attention of the Collector to the necessity for taking such steps. An officer will, if possible, be deputed to hold a preliminary inquiry into the case. His diaries with enclosures, if any, will be forwarded to the Criminal Investigation Department of the State in which the suit was instituted so that the inquiry may be completed there.

1300 H

618. If the inquiries confirm the allegations of the defendant, the counsel engaged on his behalf will go on with the case, otherwise the Government support will be withdrawn. In case the defendant's allegations are found to be wilfully false, he may be prosecuted under section 182 of the Indian Penal Code.

1300 I

619. The counsel engaged to defend the case should be instructed to ask the court to draw up a written complaint under section 476, Criminal Procedure Code for the prosecution of the plaintiff if the latter's claim has been adjudged to be false and fraudulent.

1300 J

620. If for any technical reason the ex-parte decree has not been set aside, or a regular suit (the period of limitation in this case is three years from the date of the decree, or, where the summons was not duly served, when the applicant has knowledge of the decree) to have the ex-parte decree declared null and void is not maintainable, the court which passed the decree should be asked to draw up a written complaint under section 476, Criminal Procedure Code, after such inquiry as it thinks necessary, for the prosecution of the decree-holder.

621. When the defendant becomes aware of the existence of an ex-parte decree against him after such decree has been transferred for execution to a court in Uttar Pradesh and he applies to the Collector for relief, the Collector will instruct the District Government Counsel of his district to have the execution proceedings postponed and refer the case to the investigation branch for inquiry. If the inquiry shows that the decree has been obtained fraudulently for a sum not due, a regular suit may be brought to have the ex-parte decree set aside. The suit may be instituted at the place where the decree was obtained, or where the decree-holder resides, or where the property of the defendant judgment-debtor has been attached in execution of the decree.

Old para-
1300 K

Procedure in false ex-parte decrees transferred to U. P.

622. The District Government Counsel watching the case on behalf of the judgment-debtor (as mentioned in paragraph 621) should be instructed to request the court, which has been moved to set aside the decree, to pass orders under section 476 of the Criminal Procedure Code, for the prosecution of the decree-holder if the *ex-parte* decree is adjudged to have been fraudulently obtained for a sum not due. The court to which a decree has been transferred for execution may also proceed under this section if a court of competent jurisdiction has set aside the ex-parte decree on the ground of fraud.

1300 L

Prosecution under section 476 for false ex-parte decrees.

623. If the suit was instituted in any distant place and the necessary orders of the court under section 476 of the Criminal Procedure Code, have been obtained, it will be better to institute the criminal case there and to examine the formal witnesses. The case may then be transferred to this State under section 527 of the Code with the previous consent of this Government as this procedure will tend to the general convenience of parties and witnesses.

1300 M

Place of trial of cases instituted under section 476.

624. The prosecution of the criminal case after the orders of the court to prosecute have been obtained will be watched by the Criminal Investigation Department of the State where the criminal case is being tried.

1300 N

Criminal Investigation Department to watch prosecutions.

Chapter XLI.—Intestacy

A—General

- Old paras.
1255 **625.** Regulation V of 1799, section 7, empowers District Judges to deal with the personal property of persons dying intestate. The High Court has accordingly issued rules for the guidance of District Judges in the portion of the State formerly constituting the province of Agra and which will be found in rules 1 to 14 in Chapter XX of the General Rules (Civil), Volume I. Government have also issued instructions as in the succeeding paragraphs for the guidance of magistrates and police in dealing with cases of intestate property arising within the State.

B—Movable property in the portion of the State formerly constituting the Province of Agra

- 1256 **626.** Ordinarily the movable property of a person dying intestate, to which there is no claimant, is taken possession of by, or delivered into the custody of, the police.

- 1257 **627.** In taking possession of such property, arranging for its temporary custody when it consists of live-stock or bulky articles, making and transmitting an inventory of it, and in forwarding it to the prosecuting inspector, the police officer incharge of the station shall observe the rules in the Police Regulations regarding the custody and disposal of property.

- 1258 **628.** In receiving and taking charge of such property, in granting receipts, in entering the description in his register of intestate (lawaris) property and in reporting to the Magistrate, the prosecuting inspector shall also observe the above mentioned rules.

- 1259 **629.** The Magistrate on receiving information as above shall cause a report to be made to the District Judge.

- 1260 **630.** The prosecuting inspector shall then forward a copy of the gist of his own report and of the Magistrate's order, to the District Judge for orders.

- 1261 **631.** (1) When the property consists of cash the District Judge will order it to be credited as a civil court deposit.

(2) When the property is subject to speedy and natural decay, or when the articles do not exceed 8 annas each in value or when the expense of keeping it in custody or of conveying it to the district court

will exceed its value, or when its estimated value does not exceed Rs.5, the District Judge or in his absence from the place at which his court is held, the Civil Judge will direct that it be sold under the orders of the Magistrate on the spot. The Magistrate shall then cause the property to be sold by his nazir or by a kurk amin. No commission on the sale-proceeds shall be allowed. The Magistrate shall immediately intimate to the District Judge the amount of the sale-proceeds, and the District Judge will order the proceeds to be credited to civil court deposits.

Old para.

(3) In other cases the District Judge will order the property to be sent to the central nazir. The prosecuting inspector shall thereupon send the property to the central nazir along with the malkhana register, or, if the Judge's court be in another district, an extract from it.

632. The central nazir, after comparing the entries in the prosecuting inspector's malkhana register or in the extract therefrom with the articles, and with the copy of the list received from the police station, will enter the property in his register, and will give a receipt for the same (countersigned

1262

Procedure by Nazir.

by the munsarim) in the prosecuting inspector's register or in the extract, noting in the receipt the date on which he received the property and the serial number of the corresponding entry in his own register.

633. The Magistrate will receive from the District Judge a copy of the report made by the munsarim to the District Judge regarding receipt of the property, and of the Judge's order thereon. The Magistrate's record-keeper shall refuse to receive the record if such copy be wanting.

1263

Papers required for magistrate's record.

634. All expenses incurred in maintaining intestate property and in conveying it to the District Judge's court are recoverable from that court, but in cases where a claim to heirship is established, such expenses shall be recovered either by payment by the claimant before the property is delivered to him or by sale of a portion of the property.

1264

Recovery of expenses incurred.

C—Immovable property in the portion of the State formerly constituting the province of Agra

635. The proper procedure to be adopted by Collectors on receiving information that a person dying intestate and without heirs has left immovable property in the portion of the State formerly constituting the province of Agra is as follows :

1265

Procedure in cases of intestate immovable property.

The law requires the District Judge to proceed under section 5, Regulation V of 1799 and to appoint an Administrator to the estate until the claimant appears : in accordance with Regulation V of 1827, the Administrator so appointed would be the Collector. After a reasonable period, which may be taken as two years, the

Collector should appear and put in a claim to the estate on behalf of the State. Should the Judge, after such inquiry as he may deem necessary under section 5 of the said Regulation, direct the Collector to assume possession of the estate, the Collector will thereupon hold it on behalf of the State in adverse possession, and on the expiry of the period of limitation he will acquire a complete title as against all claimants. On assuming possession he should report the case for the orders of Government regarding the ultimate disposal of the estate.

NOTE—Regulation XIX of 1810 is not in force in this State.

D—Intestate Property in Avadh

Old para.
1263 A

636. The following action shall be taken by Deputy Commissioners in Avadh for the disposal of the property of persons who are exempted under sub-section (2) of section 2 of the Administrator General's Act, 1913 (III of 1913) and who die intestate and without heirs.

Procedure by Deputy Commissioner.

(a) When any person has taken forcible possession wrongfully, or when it is apprehended that any person is about to take forcible possession wrongfully, of such property, the Deputy Commissioner shall, if six months have not elapsed since the death of the proprietor, take immediate action under Part VII of the Indian Succession Act, 1925.

(b) If wrongful possession has so been taken by any person and six months have elapsed since the death of the proprietor, the Deputy Commissioner shall make a report of the circumstances to Government in order that it may be decided whether a civil suit should be filed claiming the property on behalf of Government by right of escheat.

(c) Where wrongful possession has not been taken, the Deputy Commissioner shall take possession of the property and shall act as follows :

(i) he shall effect mutation of revenue paying property in the name of Government ;

(ii) he shall apply for letters of administration of non-revenue paying immovable property ;

(iii) if the deceased has left movable property as well as non-revenue paying immovable property, letters of administration shall be asked for both of the movable and the immovable property ;

(iv) where the deceased has left movable property and no immovable non-revenue paying property the Deputy Commissioner shall dispose of such movable property in accordance with the instructions in Annexure XI of the Handbook for Criminal and Revenue Courts.

Chapter XLII—Execution and Registration of Deeds and other Instruments

A—Engrossing, stamping and registration

- 637.** There is no particular method of engrossing instruments: Old paraa.
1649
Method of engrossing. they may be written, typed or printed, the headings being inscribed in capitals and underlined with black ink. The office from which the correspondence has emanated is responsible for having instruments engrossed.
- 638.** Instruments may be engrossed entirely on plain paper— 1650
Engrossing on plain paper.
- (a) if the stamp duty would (but for the exemption contained in section 3 of the Indian Stamp Act, 1899), be payable by Government,
- (b) if in cases of doubt or as a matter of convenience it is intended to apply to the Collector under section 31 of the Indian Stamp Act, 1899, to adjudicate as to the proper stamp and to certify by endorsement on the instrument that the full duty has been paid,
- (c) if the document is one of those of the description mentioned in the list under rule 10 of the Uttar Pradesh Stamp Rules and it is proposed that it should be stamped in the manner indicated in paragraph 618.
- 639.** Ordinary foolscap paper of good quality should be used for engrossing. A quarter margin should be left, 1651
Use of foolscap. and one side of the paper only should be used. When more than one sheet is required for a deed, the several sheets should be joined together securely by a clip or tie.
- 640.** In writing an instrument upon paper stamped with an impressed stamp, the provisions of section 13 of 1652
Engrossing on paper stamped with impressed stamps. the Indian Stamp Act, 1899 and of rule 7 of the Uttar Pradesh Stamp Rules, must be observed.
- 641.** The writing should not be so distant from the stamp as to admit of the latter being used again for another 1653
Manner of writing. instrument. An instrument written on both sides of the paper is not invalid, but it is better to write on one side only and to use plain sheets of foolscap paper in addition to a stamp paper where the whole of an instrument cannot be written on the side of the stamp paper which bears the stamp. The plan of pasting additional pieces of paper on to the stamp paper when the latter is of insufficient length to contain the whole document, although not opposed to any rule, is very inconvenient for purposes of reference and filing, and should be avoided.

- Old paras.
1654 **642.** The officer executing an instrument should sign it legibly with his ordinary signature and should add his official designation. If the document consists of several sheets of papers joined together by a clip or tie, it need only be signed at the end in the place provided for the purpose. Each sheet should be initialled or signed by one or more of the parties. It is not necessary to affix a wafer or seal to an instrument.
- 1655 **643.** There must be no erasures or blanks in an instrument ; the persons executing the instrument should affix their signatures or initials opposite any interlineation or alteration made by scoring out or adding words, etc. (See section 20, Indian Registration Act, 1908).
- 1656 **644.** A schedule or map which is attached to and forms part of an instrument should be also signed by the parties executing the instrument.
- 1657 **645.** Two witnesses are ordinarily necessary for the purpose of attesting a signature. No mention of the occupation of witnesses need be made, but the witnesses should add their addresses after their signatures. They need not sign the annexures to an instrument such as a map or schedule.
- 1658 **646.** When the parties sign on different dates, each executant should enter the date on which he signs the instrument.
- 1659 **647.** In the absence of an agreement to the contrary, the stamp duty prescribed by Schedule I, Schedule I-A, or Schedule I-B of the Indian Stamp Act, 1899, as amended in its application to Uttar Pradesh, as the case may be, will be payable by the person indicated in section 29 of the Act. In cases of doubt as to the amount of duty, a reference should be made by the officer executing the instrument to the Collector under section 31 of the Indian Stamp Act, 1899. If a written application is made to the Collector, it must have the prescribed court-fee stamp affixed to it. The fee for the adjudication fixed by the Collector must be paid.
- 1660 **648.** Where an instrument of the description mentioned in the list under rule 10 of the Uttar Pradesh Stamp Rules is engrossed on plain paper, it can be stamped conveniently if sent, before execution, to the Superintendent of Stamps, Uttar Pradesh in the office of the Board of Revenue at Allahabad, or to the District Officer of Lucknow, Kanpur or Meerut, who will have the required stamp impressed under rules 9, 10 and 11 of the Uttar Pradesh Stamp Rules. Except in exceptional and very urgent cases where cash may be accepted, the amount of stamp duty should be deposited in the nearest treasury and the treasury chalan
- Stamping of Instruments engrossed on plain paper.**

OTHER INSTRUMENTS

for the amount receipted by the Treasury Officer or the Imperial Bank of India, as the case may be, together with the skeleton forms of instrument should be transmitted to the Superintendent of Stamps, each form being marked with the value of stamps at the place where the stamp is to be affixed.

Old paras

649. An officer of Government executing an instrument requiring registration is responsible that the document is presented for registration within the time allowed by section 23 of the Indian Registration Act (XVI of 1908).

1661

650. Where registration of an instrument is necessary under section 17 of the Indian Registration Act, the procedure prescribed in sections 28 and 32 of the Act shall be followed.

1662

651. In the case of an instrument executed by or in favour of an officer of Government in his official capacity, who under section 88 of the Act is not required to appear in person or by agent at a Registration office, the instrument shall be transmitted to the proper registering officer to whom it is required to be presented under sections 28 and 29 or 30 of the Act under a covering letter either through messenger or by post, requesting that the amount of the fees be intimated, and that the instrument may be registered on receipt of the fees and returned to the person transmitting the same or to such other person (if any) as he has nominated in writing in that behalf on the receipt given under section 52 of the Act (see also section 61 of the Act).

652. If an instrument is executed by an officer of Government and also by another party, the instrument can be presented for registration by the other party who will in any case have to attend at the registration office.

1664

653. Under section 21(4) of the Act a document containing a map or plan of any property must be accompanied by a true copy of the map or plan, or in case such property is situate in several districts, by such number of true copies as are equal to the number of such districts.

1665

654. The cost of registration in the absence of an agreement to the contrary will be borne in the same way as the stamp duty; thus in the case of the lease, by the lessee; in the case of a conveyance, by the grantee; in the case of mortgage, by the mortgagor. There is no exemption in favour of Government.

1666

655. Two or more copies of a document can be presented for registration at the same time. The duplicates should be the exact reproduction of the original and shall be certified by the executing parties to be true and exact copies of the original. If the original

Duplicates of original document.

Old paras. contains a map or plan or any other annexure, a copy shall be annexed to each of the copies to be registered. The Registration Fees on each duplicate copy is levied at a special rate, laid down in Note "F" to Article I of Appendix V of the Registration Manual, Part II.

Note to
Chapter
LXXX.

656. Rules for the drafting and execution of contracts and other instruments connected with the administration of forests will be found in the Forest Manual. Instruments of all kinds to which the State is a party will be drafted by the Government Conveyancer who is responsible that they are correctly prepared (vide Legal Remembrancer's Manual).

B—Execution

1266

657. The course suggested in the undernoted extract from a judgment by the High Court should be followed when completing contracts for the due performance of which deeds of security have to be taken by officers of Government :

"The case is important as illustrating the necessity, or at least the expediency, of the completion of the contract of guarantee being synchronous with the completion of the contract with the principal debtor, or, where delay in the completion of the contract of guarantee is for any reason unavoidable, of its being recited in the instrument evidencing the contract what the consideration for the guarantee was, that is, what the creditor did, or what promise he made, for the benefit of the principal debtor, whereby there was consideration for the giving of the guarantee."

(Nauak Ram, *versus* Mehin Lal, I.L.R., 1 All. 487)

1267

658. The designations of officers employed to execute contracts, deeds and other instruments on behalf of the State Government and the limits within which such authority may be exercised are set out in Appendix 28.

G. O. no.
2881(3)VII—
127, dated
January 10,
1939.

659. All District Judges in Avadh, Civil and Sessions Judges in Kheri and Bahraich, and Civil Judges of Sultanpur and Pratapgarrh are competent to execute contracts and other instruments for sums not exceeding Rs.500 and not affecting real estate.

G. O. no.
2881/VII—
127, dated
January 27,
1939.

660. The Chief Engineer, Public Works Department, Irrigation Department, is authorised to sign on behalf of Government agreements in the standard form for the supply of electrical energy to rural consumers in unlicensed areas in the Hydro-electric Grid area.

Chapter XLIII—Miscellaneous

A—Honorary Munsifs

661. All proposals in connection with the appointment, jurisdiction, etc., of Honorary Munsifs in the State of Uttar Pradesh should finally emanate from the High Court of Judicature at Allahabad. The channel through which references should be made to the High Court is the District

Old para
1294A

Proposals for appointment. Judge. If a Collector desires to make any suggestion he should forward his recommendation to the District Judge who will transmit them to the High Court, together with his opinion on the proposal. If a District Judge has any recommendation to make he should invariably obtain the views of the Collector in the matter before submitting the proposal to the High Court.

These orders do not refer to proposals relating to establishments for Honorary Munsifs' courts as affected by paragraph 662.

662. (1) See item 55 of Statement XIII of Financial Handbook, Volume I (Financial Powers).
Establishments for courts of Honorary Munsifs.

1295

(2) District Judges are empowered to sanction a clerk on pay ranging from Rs.60 to Rs.120 per mensem according to the amount of work to be done, for each court of an honorary munsif or bench of munsifs, provided that the number of cases decided during a financial year to warrant the continuance of the appointment shall not be less than 120 for each court. The clerk shall be entertained only when budget provision exists or the expenditure involved can be met by re-appropriation of savings in the District Judge's budget, and the period of sanction shall be not more than one year at a time.

(3) Appointments to the court of an honorary munsif or bench of honorary munsifs should be made, as a rule, from the permanent district staff.

(4) District Judges are empowered to sanction the appointment of peons for the courts of honorary munsifs sitting singly and for benches of honorary munsifs on the conditions set forth below :

(a) That one peon only will be allowed for each court on the revised scale of Rs.25—1—30 per mensem at district headquarters and in the scale of Rs.20—1—25 per mensem for peons serving elsewhere.

(b) That the period of sanction shall not be more than one year at a time.

(c) That budget provision exists to meet the expenditure involved in each case.

(d) That the number of cases decided during the preceding year or expected to be decided during the year in which appointment is made is not less than 120.

(5) When a person already on the permanent district staff is transferred by the District Judge to fill a sanctioned post of a clerk, reader or peon in the court of an honorary munsif or bench of honorary munsifs, his past service will not be vitiated, and his service under the honorary munsif or bench of honorary munsifs will, under Article 376, Civil Service Regulations, count for pension in respect to his permanent appointment and consequently under Article 490, Civil Service Regulations, the pay of the permanent appointment held by that person at the time of retirement, and not that drawn in the temporary appointment in the court of an honorary munsif or bench of honorary munsifs will be taken into consideration in determining the amount of pension.

(6) When a person who has no substantive pensionable post is entertained in the court of an honorary munsif or bench of honorary munsifs, his service will be considered temporary and will not confer any title to pension under these orders, and his title to leave will be governed by Fundamental Rule 103 (a) and (b) and Subsidiary Rules 157 to 161.

B—Departmental Rules and Orders

Old para.
1291

663. All superior officers should be acquainted with the general purport of the main instructions contained in the Legal Remembrancer's Manual regarding the conduct of litigation affecting Government. Among other matters this Manual contains instructions issued with the authority of Government regarding the conduct of cases by Law Officers including the District Government Counsel, the appointment of special Counsel, instructions regarding Government appeals and applications in revision, transfer of cases, procedure in dealing with threatened suits and execution of decrees in favour of Government. A copy of this Manual should be kept for reference in every important departmental office.

664. (1) Attention is invited to the volumes usually described as "Rules and Orders", the full title of which is "State Rules and Orders made under Enactments applying to the State of Uttar Pradesh". The third edition of this work published in 1930 consolidates all the rules, orders and notifications issued under —

State Rules and
Orders.

- (i) Parliamentary Statutes relating to India,
- (ii) Bengal Regulations,
- (iii) General Acts of the Central Legislature,
- (iv) State Acts of the Central Legislature,
- (v) Acts of the State Legislature,
- (vi) State Acts of the State Legislature, and
- (vii) Bengal Acts.

The provision classifying these Rules or Orders into seven categories was, however, amended in the year 1949 so as to provide for three categories only, viz. :

- (i) Acts of British Parliament.
- (ii) Central Acts including the Constitution of India or the Old Bengal Regulations applicable to the State Ordinances or Regulations.
- (iii) State Acts including Ordinances or Regulations.

(2) This compilation published in the year 1930 was issued in two volumes : Volume I containing the lists of Rules and Orders under heads (i) to (iii); and Volume II containing the lists of Rules and Orders under heads (iv) to (vii). Subsequent notifications are contained in supplementary volumes issued annually.

(3) An example of the use of these volumes may be given. It is desired to find out what ferries have been notified as public ferries in a particular district under the Northern India Ferries Act, 1878 (XVII of 1878).

This is a local Act and, therefore, will be found in Part IV of Volume II where the Acts are given in chronological order.

On turning to page 64 of Volume II, a list of notifications under section 4 of the Act will be found arranged by districts and from this the notifications relating to any particular district can at once be traced.

(1) The following rules and orders are *not* included :

(a) Notifications regarding the creation and management of trusts under the Indian Charitable Endowments Act, 1890 (VI of 1890).

(b) Notifications regarding disforestation and the declarations of reserved forests issued under the Indian Forests Act, 1878 (VII of 1878).

(c) Rules and orders of a temporary and special nature.

(d) Rules and orders affecting another State as well as Uttar Pradesh except when they relate to the transfer of territory to and from Uttar Pradesh to another State or to the inter-State boundary between these States.

(e) Rules and orders of a personal nature, such as powers granted to officers personally and not *ex-officio* and licences to individual ministers to celebrate marriages.

(f) Rules and orders which contain executive directions issued under no enactments.

C—Miscellaneous Orders

665. Under the proviso to section 20 of the Legal Practitioners Act, 1879, all Collectors of district in Uttar Pradesh are empowered to grant sanction to any person duly authorized in this behalf to transact all or any business in which his principal may be concerned in any revenue office.

Agents.

Old para.
1290

Old paras.
1292

666. Subject to the following rules public officers may act as arbitrators for the settlement of disputes :

**Restrictions on
appointment of public
officers as arbitrators.**

(1) An officer shall not act as arbitrator in any case without the sanction of his immediate superior, or unless he be directed so to act by a court having authority to appoint an arbitrator.

(2) No public officer shall act as an arbitrator in any case which is likely to come before him in any shape in virtue of any judicial or executive office which he may be holding.

(3) If an officer acts as an arbitrator at the private request of disputants he shall accept no fees.

(4) If he acts by appointment of a court of law, he may accept such fees as the court may fix.

1293

667. Judicial officers of one State are not permitted to accept remuneration for executing commissions issued

**Non-acceptance of
fees for commissions.**

by courts of other States except in the cases mentioned in paragraph 3 of the Government of India's Resolution no. 11- Judl./1173-1190, dated September 8, 1896.

1294

668. Declarations under section 11 of the Indian Succession Act, 1925 (XXXIX of 1925), shall be deposited in

Declaration of domicile.

the Government Secretariat at Lucknow by persons in Uttar Pradesh wishing to acquire a

domicile in India.

1296

669. (1) If at any time public convenience requires the appointment of a notary public in a district, the

Notaries public

District Judge should submit the necessary

proposal and recommendation to Government.

(2) Rules for the control and guidance of notaries public are contained in Appendix 29.

1299

670. The list of officers to whom notices or orders attaching

**Notices of orders
attaching salaries or
allowances.**

salaries or allowances should be sent in respect of persons employed under the State Government is contained in Appendix 30.

Government
notification
no.2156/VII-
362, dated
January 17,
1941.

671. The following allowances payable to any public officer in

**Allowances exempted
from attachment.**

the service of the Government of Uttar Pradesh shall be exempt from attachment by order of a court :

(1) All kinds of travelling allowances,

(2) All kinds of conveyance allowances,

(3) All allowances granted for meeting the cost of (a) uniforms and (b) rations.

(4) All allowances granted as compensation for higher cost of living in localities considered by Government to be expensive localities including hill stations, and

(5) All house rent allowances.

672. For rules regarding the maintenance and custody of live-stock and other movable property while under attachment in this State, see Rules 115—130 of the Rules added by the High Court of Judicature at Allahabad under section 122 to Order XXI of the Code of Civil Procedure, 1908.

Old para.
1216

**Custody of attached
live-stock and other
movable properties.**

VIII--HOME (POLICE) DEPARTMENT

Chapter XLIV--Police Rules and Regulations

673. The principal manuals relating to subjects dealt with in the Police Department and which affect administration are :
Principal manuals.

(1) The Police Regulations.

The close relations which should exist between the District Magistrates and the Police is emphasised in paragraphs 6 to 11 and District Magistrates are expected to make themselves acquainted with their duties as laid down in "Police Regulations".

More detailed instructions as to inspection of police stations by Magistrates than are given in Police Regulations will be found in paragraphs 718 and 719 of this volume.

(2) The U. P. Arms Manual.

674. Rules relating to the Police Training College at Moradabad and the selection and admission of candidates to that College are contained in the "Police Training College Manual", Parts I and II.
Police Training College.

675. Other Manuals and Rules dealing *exclusively* with police work include :
Other departmental manuals.

- (1) Office Manual for Superintendents of Police.
- (2) Handbook for Station Officers (in two volumes).
- (3) Government Railway Police Manual.
- (4) Finger and Foot-Print Manual.
- (5) U. P. Police Rules for Guards and Escorts.
- (6) U. P. Police Dress Regulations.
- (7) Criminal Investigation Department Manual.

676. The following statutory rules are published as separate pamphlets and may be procured from the General Manager, Central Publications Branch, New Delhi :

- (1) Petroleum Rules, 1937.
- (2) Petroleum Concession Rules, 1949.
- (3) Cinematograph Film Rules, 1948.
- (4) Carbide of Calcium Rules, 1937.
- (5) Gas Cylinder Rules, 1940.
- (6) Explosives Rules, 1940.
- (7) The Registration of Foreigners Rules, 1939.

Chapter XLV—Passports and Travel Documents

A—Passport procedure

Old paras.
601, 628
to 638 and
Appendix
9A.

677. Applications for passports must be submitted to the Home Secretary to Government through the District Magistrate and should be made in the prescribed form shown below :

(a) Applications for new passports should be in—

(i) Form A to be used by persons above the age of 15 years, and

(ii) Form B to be used by the child's parent or guardian where a separate passport is required for a child under the age of 15 years.

(b) Applications for the renewal of passports should be made in Form E.

678. Passports are available, in the first instance, for five years from the date of issue, unless otherwise stated, and may be renewed up to a maximum period of five years. Thereafter, or if at any time the passport contains no further space for visas, a new passport must be obtained. The fee for a passport is Rs.10 and that for renewal is Rs.2 for each year, or portion of a year, for which renewed.

679. Passports are granted to :

Persons eligible.

(a) Citizens of India,

(b) Indians by naturalization, and

(c) Wives and widows of above.

NOTE—For terms used in describing national status see Appendix 31.

680. Passports are granted upon the production of a declaration by the applicant (in the case of a child under 15 requiring a separate passport, by the child's parent or guardian) in the prescribed form verified by a Magistrate, Justice of Peace, Police Officer not below the rank of a Superintendent of Police, or Notary Public resident in India. If possible, the application should be signed by an officer of the district in which the applicant is resident, otherwise the issue of a passport may be delayed while inquiries are being made from the local authorities.

NOTE—Officers authorised to certify passport declarations are personally responsible to see that postage stamps furnished on account of passport fee are securely pasted and that the photographs are carefully pinned to the application before the declaration is certified.

681. If the applicant for a passport has acquired Indian citizenship by registration, an attested copy of the certificate of registration must be forwarded

with the form of application to the officer empowered to grant the passport. Indians by naturalization will be described as such in their passports, which will be issued subject to the necessary qualifications.

682. (1) Small duplicate unmounted photograph of the applicant (size approximately two and three quarter inches by two inches) and also of his wife if she is to be included, must be forwarded with the application for a passport and one of the duplicate copies must be *certified on the back* by the person verifying the declaration made in the application form, as follows :

“I certify this to be the true likeness of—

(Signed)

(Place and date)”

Passport photographs must not be attested or signed across the front which render them unfit for use on passports.

(2) Passport photographs should preferably be on unglazed ordinary paper as photographs on mat or glazed paper present certain difficulties. Photographs furnished by Armed Forces and Police personnel applying for passports should be in *civilian dress*.

Note.—Purdah-nashin or Gosha women desirous of travelling to Malaya, the East African territories of Uganda, Tanganyika, Mauritius, Zanzibar, the Nyasaland Protectorate, the Union of South Africa, Syria, Palestine, Iraq, Egypt, Saudi Arabia, Trans-Jordan, Persia, Persian Gulf Ports, Aden, Burma and Afghanistan are exempt from attaching their photographs or of appearing in person before the Passport Issuing Authorities. This rule is applicable in the case of women proceeding to Egypt provided they are accompanied by their husbands or any of their relatives who accept legal responsibility for them.

Women proceeding to other countries should, however, furnish the usual passport photographs.

683. In the case of an applicant for a passport being unable to sign his/her name in English, a transliteration of his/her signature in English should be placed below the applicant's signature (in an Indian language on the form of application). In the case of an illiterate person the left thumb-impression should be substituted for the signature in the form of application and the thumb-impression should be certified by the person verifying the declaration.

684. The declaration including the personal description must be completed as far as possible by the applicant in his or her own handwriting and signed in the spaces provided. Provision is made for the inclusion in the declaration of the wife of the applicant and his minor children under the age of 15, if they are accompanying him or residing with him abroad, and if it is desired that they should be included in his passport (see paragraphs 12 and

13 of the "Rules governing the issue of passports" and "visas"). Minor children under 15 may also be included, on similar conditions, in the passports of their mother, if she holds a separate passport, or in the passport of some other responsible person officially in charge of them. All other persons must apply for separate passports and fill in separate declarations.

685. Passports should usually be applied for in person, though written applications from officials or persons as to whose identity and right to a passport there is no doubt, may be accepted by the District Magistrate. Applications for passports should reach Government ordinarily at least a fortnight before the applicant intends to sail. A passport application should never be sent to Government through the applicant personally. In case of urgency the application can, however, be sent to Government through a special messenger at the cost of applicant but this practice should be discouraged as far as possible.

686. Any person already in possession of a passport must first surrender his old passport before being furnished with a new one. After cancellation, the former passport may at the discretion of the issuing officer be returned to the holder if the latter desires to retain it.

G.I. Cir. No.
PIA. 35(F)
23(4)-PV(1)-
49, dated
February 11,
1949.

687. Passports cannot be issued or renewed on behalf of persons not residing at the time being in a country in which the application is made. Passports should not be sent out of the country by post and the postal authorities in India have, therefore, been instructed not to accept postal articles containing passports if the destination is any place outside India. The term "outside India" includes Pakistan.

The Government of India have, however, exempted foreign passports from the above instructions. Such passports may be despatched by post to any place outside India, provided the postal articles containing such passports are accompanied by a certificate from the foreign Diplomatic or Consular Officer concerned stating the following particulars :

- (i) Number of the passports.
- (ii) Place and date of issue and name of Issuing Authority.
- (iii) The name of the holder of the passport.
- (iv) The destination to which it is despatched.

G. I. Cir. no.
PIA—520/F.
27-(50)PV
(I)-50, dated
August 25,
1951.

688. Work relating to the grant of visas for the United Kingdom and its dependant territories, including colonies, protectorates and protected states is undertaken by the High Commissioner for the United Kingdom in India. Hence applications for the issue of visas for the United Kingdom and colonies and dependant territories will no

Visas for the United Kingdom and colonies.

longer be received by Passport Issuing Authorities in Uttar Pradesh ; if any such application is received by them it should be returned and the applicant informed that it may be submitted to the office of the High Commissioner for the United Kingdom in India in any one of the following places, as convenient :

New Delhi—6, Albuquerque Road.

Bombay—Mercantile Bank Building, Mahatma Gandhi Road.

Calcutta—1, Harrington Street.

Madras—Rutland Gate, Mungambakkam.

689. For detailed instructions regarding passports reference should be made to (1) the pamphlet entitled "Rules governing the issue of passports and visas" and (2) orders issued by Government from time to time conveying further instructions or providing information regarding travel and entry restrictions in respective countries.

B—Supplementary instructions regarding travel documents

690. Where a passport is required for a direct journey to the United Kingdom or other parts of the Commonwealth in order to enable the applicant to return to his place of birth, naturalization or former residence, and the issuing officer is of opinion that the case is not one in which a regular passport should be issued or is not satisfied by the evidence of nationality produced, he may issue an "Emergency Certificate" in the form prescribed. The fee for issue of an emergency certificate is Rs.2. For further information see paragraph 35 of the rules mentioned above.

691. Inquiries in respect of applications for visas should not be entrusted to very junior police officials but should as far as possible be made by a smart and courteous police official, preferably not below the rank of a head constable who in making inquiries will try and contact a responsible person in a position to furnish the information required.

G. I. letter no. 10/32/47-F.I., dated March 27, 1950.

692. (1) All applications for passports should be meticulously verified through the local police authorities and a thorough investigation made regarding the antecedents of applicants as also of the *bona fides* of the persons attesting the applications and the persons standing guarantee.

G. O. no. 3011-PP/VIII-1838-50, dated May 21, 1951.

(2) A register of passports should be maintained by each District Officer in which every passport issued should be entered. Likewise a separate register containing particulars of applicants who have been refused passport facilities either by this Government or any other Government should also be maintained in each district. Before submitting a passport application to Government the District Officer's passport register should be consulted to verify that the applicant has not already been granted or refused a passport on a previous occasion.

G. O. no. 1350-PP/VIII-1835-50, dated April 17, 1953.

(3) Before submitting a passport application to Government the District Magistrate will satisfy himself fully :

- (a) of the correctness of the particulars furnished in the application,
- (b) of the *bona fides* of the declaration made therein,
- (c) regarding the solvency and *bona fides* of the guarantor, and
- (d) that the application is properly filled in and complete in all details.

G. O. no.
9226-PP/
VIII—
1838-50,
dated Janu-
ary 7, 1952.

(4) Instructions are issued from time to time regarding travel restrictions and "Permit" requirements in respect of certain countries. District Magistrate should before transmitting applications for passport facilities for such countries ascertain whether the prescribed conditions are fulfilled and where the application is incomplete in these respects it should be brought to the notice of the applicant in order that the deficiency may be rectified, if possible. Incomplete applications cause unnecessary delay and sometimes annoyance to all concerned.

G. O. no.
2548-PP/
VIII—1287.
46, dated
July 25,
1946.

693. (1) Guarantees of maintenance and repatriation are required in respect of Indian nationals proceeding abroad and which is in pursuance of Rule 20

Guarantees. of the Rules governing the issue of passports and visas. That rule lays down that a passport should not be granted in any case where there is good ground for apprehending that the applicant will become destitute and require repatriation at Government expense. This applies to persons proceeding to all destinations abroad but should specially be kept in view in dealing with applications for the grant of passport facilities for the Americas (i.e., U.S.A., Canada, South America, West Indies, etc.), the United Kingdom and Europe. Guarantees of maintenance and repatriation should, therefore, be required from Indian nationals proceeding to the Americas, United Kingdom or Europe. Government can, however, waive the need for a guarantee in any case in which they are satisfied that the applicant is not likely to become a public charge on proceeding abroad. The required guarantee should, therefore, be obtained by the District Magistrate before forwarding any such passport application to Government unless he is able to report that it may be waived in that particular case.

G. O.
no. 9226-
PP/VIII—
1938-50,
dated Janu-
ary 7, 1952.
G.O. no.
3011. PP/
VIII—1938-
50, dated
May 24,
1951.

(2) The financial guarantees furnished should be in the form given at the end of this chapter and should be executed on non-judicial stamped paper of the value of Rs.12 : it should not be executed by persons leaving the country even as a temporary measure. The solvency of a guarantor should invariably be verified and it may be ascertained whether he personally knows the applicant and is aware of his liability.

(3) A register containing particulars of guarantors should also be maintained in each district office which will enable the forwarding officer to determine whether the guarantor is genuine or merely a professional guarantor who does not know the applicant personally.

694. Students proceeding for studies abroad will be granted passports provided they can produce satisfactory proof of their admission to an educational institution in the country to which they intend to proceed for study, or proof that they have every reasonable prospect of securing facilities for the proposed course of study and a bank guarantee.

695. Passport facilities to Burma, Malaya and Singapore should not be granted to persons intending to proceed to that country for the purpose of unskilled work unless they are exempted by a general or special order of the Central Government and a copy of which should be in their possession.

696. (1) For information regarding passport arrangements between India and Pakistan reference should be made to the instructions regulating the entry of Pakistan nationals into India and the issue of passports to Indian nationals for travel to Pakistan. These instructions have been drawn up by the Government of India and are obtainable from the Manager of Publications, Government of India, Publication Branch, Civil Lines, Delhi, on payment of annas six only.

(2) The fee for India-Pakistan passports is Rs.3 as compared with a fee of Rs.10 for international passports. In Uttar Pradesh, Indo-Pakistan passports will be issued by the State Government. Applications for such passports should be made on the special application forms provided, and of which a sufficient number should always be available at each Collectorate.

(3) India-Pakistan passport will be valid for one year at a time. The holder of such passport may have it renewed from the State Government for one year at a time, subject to a maximum of five years from the date of issue, on payment of a fee of Re.1 for each renewal. Applications for such renewals should be made on the prescribed forms. These forms may be obtained from the office of the District Magistrates at a cost of three annas each.

(4) District Magistrates will ensure that there is no delay in the disposal of references regarding applications for passports to Pakistan and all such cases must receive immediate attention and be dealt with quickly and with all possible promptness.

697. Government servants when travelling on duty may be exempted from—

(a) payment of fees for any endorsement or visas that may be required on their passports.

(b) payment of fees for new passports or renewals of passports if they would not ordinarily be retaining valid passports for private purposes.

(c) payment of fees for visas demanded by Foreign Consular Officers which will be met from Government funds.

G.O. no. 4022-PP/VIII—1850-45, dated December 11, 1946.
G.O. no. 1619-PP/VIII, dated May 31, 1946.

G.O.no. 1808-PP/VIII—885-41, dated March 16, 1951.
G/I.notification no.S.R.O 1619, dated September 9, 1952.

G/I.Cir.No. P1A.307/P. 17-PV (1)/49, dated June 29, 1950.

G. E. No.
4731, PP/
VIII—368-
49, dated
September
3 1949.

698. Communications regarding grant of passports and visas carried on between the State Government and any other Government should be treated as confidential in character and in no circumstances should copies of such communications be given to the applicant. When necessary, the applicant may be sent a suitably worded and self-contained communication intimating the action taken.

FORM OF GUARANTEE (TO BE EXECUTED ON RS.12 NON-JUDICIAL STAMP PAPER)

[See paragraph 693(2)]

THE GOVERNOR, UTTAR PRADESH

G. O. No.
6531-PP/
VIII—7374/
46, dated
September
26, 1953.

Whereas.....wife/son/daughter of.....is desirous of proceeding abroad with his wife/husband/son/daughter for the purpose And whereas the Governor of Uttar Pradesh (hereinafter called 'the Governor') has agreed to grant Passport for..... and his wife/husband/son/daughter upon my furnishing a guarantee as hereinafter appearing;

I.....(name) hereby agree to provide or cause to be provided to the Governor suitable maintenance of the said..... and his wife/husband/son/daughter and in the event of my failing to provide or cause to be provided such maintenance as aforesaid, I hereby agree to pay you such cost and expense as may be incurred in maintaining the said.....and his wife/husband/son/daughter or in the event of any of them dying abroad to pay to you such cost and expenses as may be incurred in his/her burial/cremation and further in the event of the repatriation of the said.....and or of his wife/husband/son/daughter being required by Government to pay to you the cost of the repatriation;

And I further hereby agree,

1. That the authority to determine cost in such cases shall rest in Government and that it shall be binding on me to pay such cost as may be determined without question.

2. That this guarantee shall be continuing guarantee binding upon me and such of us as and after the death of each of us or any of us upon the survivors and heirs and person representative of the deceased; and

3. That the expression 'abroad' shall include the countries in respect of which the Passport or Visa is being issued now or in respect of which endorsements may be made hereafter on the application of the said.....his wife/husband/son/daughter.

Signature of witness : *Signature of guarantor.....*

Name..... Designation (if any).....

and full address..... Date.....

..... Verified by.....

(Signature of Magistrate or by some responsible person with designation).

Chapter XLVI—Naturalization and Foreigners

A—Naturalization

699. The Indian Naturalization Act (VII of 1926) has been repealed and the Naturalization Rules issued under that Act are no longer in force. Pending enactment of a citizenship law and promulgation of new rules, all applications for naturalization should be referred to the State Government for direction.

Naturalization rules.

Old para.
742

B—Rules and orders affecting foreigners

700. (1) Foreigners arriving in India are subject to the restrictions imposed by the Foreigners' Act, 1946, the Registration of Foreigners' Act, and the Registration of Foreigners' Rules, 1939, and the Foreigners' Order, 1948.

Rules affecting foreigners.

G/I letter
no. 10/16/45-
Poll (B),
dated July
26, 1947.

Some of the important provisions of these Acts and Orders are given below:

(a) Grant of visa does not necessarily mean that the grantee will be admitted; a competent civil authority may—

(i) refuse, in certain circumstances, permission to a foreigner to enter or leave India;

(ii) attach such condition or conditions, as it may think fit, to the grant of permission to land;

(iii) impose restrictions on movement of a foreigner;

(iv) arrest and/or detain a foreigner, if it is necessary to do so in the public interest.

(b) Competent civil authority may prohibit a foreigner from entering or remaining in a prohibited or protected area or may impose such conditions, as it may think fit, on a foreigner visiting or remaining in such an area.

(c) Every foreigner should obtain from the civil authority appointed in that behalf and having jurisdiction over the place at which he enters India, leave to enter India, a Registration Certificate and a residential permit indicating the period for which he is authorised to remain in India; he should either leave India before the expiry of this period or should have it extended by applying to the Government of the State in which he may be residing. This permit will be issued on the basis of the entry in the visa regarding the authorised period of stay.

(d) Every foreigner staying in any district other than the district in which his registered address is situated for a period exceeding three days is required to notify his arrival to the police authorities by letter or personally within three days of his arrival. Such a report will not, however, be necessary if the foreigner is staying at a hotel or boarding house establishment.

(e) Every foreigner should report to the Registration Officer of the District in which his registered address is situated—

(i) if he is likely to be absent from his registered address for a continuous period of one month or more, his current address and every subsequent change of his address including his return to his registered address ;

(ii) if he proposes to change his registered address or to leave India, the particulars of his new address or the date of the proposed change or departure, as the case may be ; and

(iii) within fourteen days any circumstances which in any way affect the accuracy of any of the particulars set out in his certificate of registration.

(f) Every foreigner who, as a result of a proposed tour or otherwise, is likely to be absent from his registered address for a period exceeding one week shall inform the Registration Officer of the fact. He may submit an itinerary and apply for a travel permit valid for a specified period between specified places or areas. It will then be unnecessary for him to report to the Registration Officers in districts other than that of his registered address.

(g) (i) Every foreigner who is about to depart from India on board a vessel shall produce his certificate of registration before the Registration Officer of the district in which his registered address is situated, obtain from him an endorsement to the effect that the departure report has been made and surrender his certificate so endorsed to the Registration Officer of the place from which he proposes to leave India on board a vessel or to such authority as the said officer may appoint in that behalf.

(ii) Every foreigner who is about to depart from India by land or air shall surrender his certificate of registration to the Registration Officer of the district in which his registered address is situated.

(h) Every foreigner shall at the time of his departure from India surrender his residential permit to the Registration Officer of the place from which he departs.

(2) Action in respect of foreigners (except Tibetans and Nepalese) entering India without a passport is provided for in the Passport Act, 1920.

701. Under the Constitution (Declaration as to Foreign States)

Order, 1950, every country within the Commonwealth is declared *not* to be a foreign State for purposes of the Constitution. Hence nationals of any country within the Commonwealth will be eligible for Indian citizenship under the Constitution, if they are otherwise qualified under the provisions of Article 5, 6 or 8.

Eligibility of Commonwealth nationals for citizenship.

G/I letter no. F-45-6/49--U. K., dated February 23, 1950.

702. Under notification no. 5103-PP/VIII—I(II)-48, dated July 29, 1950, issued under rule 2(2) of the Foreigners' Order, 1948, every Superintendent of Police within the State has been appointed a "Civil Authority" under that Order in respect of matters relating to foreigners residing within his district. The Superintendent of Police, Criminal Investigation Department, Uttar Pradesh has similarly been appointed a "Civil Authority" but his area extends to the entire State.

703. (1) Foreigners who have not voluntarily acquired the citizenship of any foreign State, i.e., by naturalization, may acquire Indian citizenship under clause (c) of Article 5 of the Constitution which requires that the applicant had his domicile within the territory of India on the 26th January, 1950, and had been ordinarily resident in the territory of India for not less than 5 years immediately before the said date.

G. O. No. 6443-PP(1) VIII—2591-50, dated October 6, 1950.

(2) Foreigners seeking to require Indian citizenship under the above provision may make a declaration in writing or sign an affidavit before the District Magistrate stating that *he satisfies the requirements of Article 5(c) of the Constitution and that his intention has been to make India his permanent home and that he was domiciled in India on January 26, 1950.*

704. (1) For instructions regarding "No objection to return" endorsements, reference should be made to paragraph 34 of the Visa Manual of which a copy was forwarded to District Magistrates with G. E. no. 2974-PP/VIII—756-49, dated July 26, 1949, and to the further instructions conveyed in G. O. no. 1212-F/VIII—3000(14)-47, dated November 19, 1952. A copy of that G. O. and the Visa Manual should be kept by each District Magistrate.

G. O. No. 1212-F/VIII—3000(14)-1947, dated November 19, 1952 and G. O. No. 4197-PP/VIII—I (148)-51, dated May 18, 1951.

(2) "No objection to return" certificates can only be granted by the Passport Issuing Authority and after consultation by Government with the State Registration Officer. All applications for the grant of such certificates should, therefore, be forwarded to Government with a postage stamp of one rupee as prescribed fee together with the papers specified in paragraph 3 of G. O. no. 1212-F/VIII—3000(14)-1947, dated November 19, 1952. If the applicant does not satisfy the conditions specified in that G. O. he should be informed immediately that he is not eligible for the grant of a "No objection certificate".

705. Whenever any foreigner is prosecuted for a criminal offence, his full particulars and details of the offence and action taken should be reported to the Deputy Inspector General of Police, Criminal Investigation Department, who will consider what further action, if any, is necessary.

Report of conviction of foreigners.

C—Foreign vagrants and wandering gangs

706. (1) When any gang of foreigners commits any depredations or indulges in crime no effort should be spared to bring the chief offender to justice for specific crimes or to treat them as the law allows under Chapter VIII of the Code of Criminal Procedure.

(2) In case any foreigner or a wandering gang of foreigners is considered "undesirable" and the Superintendent of Police wishes him deported, his full name, nationality and other particulars should be reported to Deputy Inspector General of Police, Criminal Investigation Department, Uttar Pradesh, together with as detailed a note as possible on his activities. Where considered necessary, the Deputy Inspector General, Criminal Investigation Department, will take necessary steps to obtain a deportation order from Government.

In case a foreigner whose deportation order has been requested is likely to become untraced or indulge in more undesirable activities, his movements can be restricted to a particular place under Section 3(2) of the Foreigners' Act, 1946, read with rule 11 of the Foreigners' Order, 1948.

(3) So far as practicable, foreigners, being deported, should be made to pay their railway expenses and transport charges. It might be possible to arrange this by the sale of their ponies, confiscation of their arms and by the sale of any other property belonging to them which they cannot take with them. The balance of the amounts thus realised should be returned to the foreigner after meeting the transport charges incurred. Where charges cannot be so met, Magistrates are authorised to pay the necessary transport charges both for the foreigner as well as for police guard accompanying him. The amounts thus spent should be reported subsequently for sanction by Government.

Chapter XLVII—Printing Presses and Publications

A—General

707. The law regarding the press, books and news sheets is Old parae.
Laws applicable. contained in—

(a) The Press and Registration of Books Act, 1867, which provides regulations for the keeping of printing presses, the publication of newspapers, periodicals and books and for the preservation and registration of books.

(b) The Press (Objectionable Matter) Act, 1951, which provides for the control of printing presses and newspapers by requiring deposit of security and enables action in respect of unauthorised news sheets and newspapers.

B—Press and Registration of Books Act, 1867

708. District Magistrates should submit to Government on the Annual return of presses and publications. 1st May each year a return in the undernoted form of all printing presses in their districts as existing on the 1st of the previous month and of the newspapers, periodicals and books published by them : <i>Return showing the number of printing presses at work and number of newspapers, periodicals and books published for the year..... in the district of.....</i>	482. G.O.no. 4295/VIII—1034-1942, dated November 18, 1942. G.O.No. 1107-Z/VIII-176-1951, dated April 4, 1952.
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(For inclusion in the Statistical Abstract.)

I—Printing Presses.....

II—Newspapers and periodicals

III—Books :

(1) In English or other European languages.....

(2) In Indian languages or in more than one such language

NOTE :—For the purpose of this return publications should be classified as books according to the popular conception of a book, and should exclude periodicals : all periodicals including those which do not contain public news or comments on public news should be classed as periodicals for the purpose of the return and should be included in the combined figure for periodicals and newspapers.

709. District Officers should see that all the provisions of the Instruction regarding presses. Press and Registration of Books Act are complied with by printers and publishers of papers appearing in their districts. Attention should be paid, in particular, to the provisions of section 3, which provides that every book or paper printed shall bear the name of the printer and, if published, also the name of the publisher legibly printed thereon. Books and other publications are sometimes issued which bear, not the name of printer but some such entries as “printed at Narayan Press”	484.
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Old paras.

or "The Kanpur Publishing Company" or "A. N. Sarkar & Co.'s, Press". Such entries do not constitute a compliance with section 3 which requires that the name of the actual printer shall be inscribed on every publication.

485.

Notification
no. U-2061
(7)/XVIII,
dated No-
vember 10,
1941.

710. (1) District Officers are the officers to whom under existing orders (vide paragraph 714) copies of books are to be delivered in accordance with section 9 of the Act and these copies are to be transmitted by them to the Director of Education, U. P., Allahabad. Before they are sent to that officer, each copy should be examined by a qualified assistant to ensure that it bears the name of the actual printer, or if published also that of the publisher.

(2) The books delivered to the District Magistrates under section 9 will be books according to their legal definition given in section 1 of the Act and will, therefore, include periodicals which do not contain public news or comments on public news. The Director of Education, Uttar Pradesh, Allahabad, to whom such books are transmitted will furnish an annual return to the State Government of all books published within the State and registered under the Press and Registration of Books Act.

486.

711. Under section 12 of the Act any person printing a book or paper otherwise than in conformity with section 3 is liable to prosecution and to fine or imprisonment or both.

Prosecution under
section 12.

487.

712. Where the owner of a press, who is also the printer of works printed there, quits the place where the press is situated, the name of the actual printer working in his place should be printed in addition to or in lieu of the name of the owner. In the case of newspapers or other periodicals containing public news or comments thereon, it is specially provided by section 5 of the Act that as often as the printer or publisher leaves India a fresh declaration under that section shall be made by the printer or publisher resident within India.

Declaration where
printers or publishers
proceed abroad.

488.

Judicial
(Civil) De-
partment
resolution
no. 606/VII-
472, dated
May 12, 1927.

713. (1) The public is accorded general permission to reproduce the following Government publications :

Use of Government pub-
lications by private persons.

(a) Any matter which has appeared in the Uttar Pradesh Gazette except—

(i) Acts of the U. P. Legislature;

(ii) Matter not first published by the Government of Uttar Pradesh;

(b) Acts of the U. P. Legislature, subject to the condition that these are reproduced together with original material, e.g., commentaries;

(c) Official English translations of Acts of the U. P. Legislature, subject to the same condition as in (b) above ;

(d) Reports of any committee appointed by the U. P. Government after such reports have been published officially.

(2) Permission to reproduce other Government publications will be given in special circumstances. Applications for permission should be made to the Secretary to Government, U. P., Judicial (A) Department.

714. The following orders have been passed and rules made under the Press and Registration of Books Act (XXV of 1867) :

Old para-
489

Rules and orders under Act
XXV of 1867.

I. Section 9. The Magistrate of the district shall be the officer to whom copies of all books printed or lithographed in the district shall be delivered by the printer.

Notification
no. 1454/
XII-344,
dated Sep-
tember 16,
1893.

II. Section 11. The copy of every book delivered in pursuance of clause (a) of section 9 to the Magistrate of the district shall be transmitted by him to the Director of Education, U. P., Allahabad, who shall, after it has been catalogued, transmit it to the Superintendent, Printing and Stationery, to be deposited by him in the Government Book Depot. Government may, however, direct in any particular case that the book be kept in some public library in the State on a guarantee that it be not removed from there or lent out.

Notification
no. U-2060
(7)/XVIII,
dated No-
vember 10,
1941.

III. Section 11-A. The Director of Information, U. P., Lucknow, is the officer to whom two copies of each issue of the newspapers are to be supplied free of cost by the printers.

IV. Section 17. All fines or forfeitures under part IV of the Act shall be credited to Government.

V. Section 18. The Director of Education, U. P., Allahabad is appointed to maintain, at his office, the book called "A catalogue of books printed in India".

Notification
no. 136-U.O./
VIII, dated
February 15,
1941.
Industries
Deptt. Notfn.
no. U-1179
(4)/XVIII,
dated June
13, 1941.

VI. Section 20—(1) Every printer of a book when delivering the first copy thereof to the Magistrate of the District, as required by clause (a) of section 9 of the Act, shall also fill up and present (for transmission to the Director of Education at Allahabad) a memorandum in the form prescribed by section 18, giving the particulars of the book. The memorandum shall be signed by both the printer and publisher of the book.

(2) Upon receipt by the Director of the copy of every book (together with the memorandum) from the Magistrate of the district on delivery under clause (a) of section 9 of the Act, he shall record the book in the catalogue of books printed in India, before transmitting it to the Superintendent, Printing and Stationery, for deposit according to the orders issued under section 11 of the Act.

Industries
Deptt. Notfn.
no. U-2067/
XVIII,
date 1 Nov.
10, 1941.

Old paras.

VII. The following are the exemptions under section 21 :

- (1) Acts of the Legislature, without notes or commentaries.
- (2) Price-lists and tradesmen's circulars.
- (3) Catalogues of books and other articles, auctioneer's notices, and advertisements.
- (4) Play-bills comprising advertisements of theatrical and musical entertainments.
- (5) Decision of courts of law, without notes or commentaries.
- (6) Petitions and appeals addressed to authorities constituted under the provisions of law.
- (7) Testimonials of private individuals or public officers.
- (8) Annual reports of schools, banks, societies and firms.
- (9) Almanacs and calendars.
- (10) Labels affixed to articles of commerce.

Provided that notwithstanding anything above contained, no publication issued by or in support of any person who is a candidate at any election, either to any legislative body created under the Constitution or to any local authority shall be so exempted.

(11) All books and papers printed or published under the orders of Government or for official purposes.

490.

715. Monographs and works of scientific or public interest which

Registration of books published by the Government.

are published by or under the patronage of the Government, but which do not come under the head of reports and are not of an exclusively official character, shall in all cases be registered under the Press and Registration of Books Act, 1867.

When such works are printed under the direction or authority of any department, the head of the department should at once forward three copies to the Director of Education, U. P., Allahabad, who will take the necessary steps for registration under the Act.

401.

716. All declarations made under section 5 of the Press and Registration of Books Act, 1867, are exempt

Certain declarations exempt from Stamp Duty. from stamp duty.

C—Press (Objectionable Matter) Act, 1951

717. The following orders have been passed under the Press (Objectionable Matter) Act, 1951 :

- (1) The District Magistrate of each district in the State has been empowered under section 2 (c) of the Press (Objectionable Matter) Act, 1951 to act as the "competent authority". As

G. O. No.
A—2287/
XIX—624-
1951, dated
April 12,
1952.

such, complaints against printing presses, newspapers or news-sheets under sections 4, 5, 6, 7, 8 and 17 of the Act for printing or publication of objectionable matter will be filed by him. Such complaints should, however, be filed only after obtaining the prior approval of Government in the Information Department.

(2) As soon as any objectionable matter, as defined in section 3 of the Act, comes to notice, the District Magistrate should get the matter carefully examined and also obtain legal opinion on the case from the District Government Counsel. A report in duplicate should then be submitted to Government, as early as possible, together with two copies of each of the following documents :

(a) A narrative showing, in brief, the history and antecedents of the printing press, newspaper or news-sheet in question, specially in the case of the latter, with reference to their previous and subsequent issues which may constitute material evidence under section 22 of the Act.

(b) Extracts or cuttings of the objectionable matter in question, together with an explanation giving reason for considering them objectionable.

(c) The opinion of the District Government Counsel in the case.

(d) His own opinion and recommendations in the matter, including the amount which, in his opinion, should be specified by Government under section 16 as appropriate security to be demanded from the respondent. In making the recommendation about the amount of security, provisions of section 10 should be borne in mind and necessary details regarding the respondent's status and standing should also be furnished so as to enable Government to decide the amount of security to be specified in the complaint.

(e) The draft of the complaint which is proposed to be filed in court.

(3) The Superintendents of Police are authorised under section 12(1) of the Act to detain any package brought, whether by land, sea or air, into Uttar Pradesh, in which they suspect that there are newspapers, news-sheets, books or other documents containing objectionable matter as defined in section 3 of the Act.

(4) The Director of Information, Uttar Pradesh, has been appointed under sections 12 (1) and 13 (2) of the Act as the officer to whom all articles detained under the above-mentioned sections shall be delivered by the Superintendent of Police of a district or by an officer authorised in this behalf by the Post Master General, Uttar Pradesh.

(5) The Secretary to Government, Uttar Pradesh, Information Department, has been appointed under section 20 (3) of the Act as the officer who shall prepare and make out the list of jurors for the purposes of the Act.

Notification
nos. 423-Z/
VIII and
424-Z/VIII,
dated Feb-
ruary 13,
1952 and
Notification
no. 17/XIX
-3-52,
dated May
23, 1953.

(6) District Magistrates should keep themselves in the closest possible touch with the tone and contents of the writings appearing in the district press generally, as also with the progress of action taken under the Act in respect of (*a*) writings falling within section 3 (vi) of the Act, and (*b*) other writings. A confidential report containing full information on all these points regarding the presses and publications in the district should be sent to Government in the Information Department at the end of every quarter.

(7) District Magistrates should also forward extracts relating to the press from their confidential fortnightly demi-official reports direct to the Secretary to Government in the Information Department every fortnight. Blank reports need not be sent.

Chapter XLVIII - Inspection of Police Stations

718. The District Magistrate should, if possible, inspect each police station once a year and see that Sub-Divisional Magistrates visit the stations in their sub-divisions and make proper inspections. He must also impress on them that their duty is two-fold, to support the police in enforcing law and order, and to prevent injustice. He may direct any of his subordinate magistrates to inspect police stations, but ordinarily third class magistrates should not make such inspections unless it is necessary for training. An inspection book for use by magistrates will be kept at every police station; this book must be sent to the Superintendent of Police whenever an inspection note is recorded, and will be forwarded by him to the District Magistrate for information (*vide* paragraph 9 of the Police Regulations). On the inside cover of the inspection book a summary of crime will be maintained in the form below :

Summary of Crime— Police station						
Year	Number of true reports under I. P. C.	Number of such offences investigated	Number of challans	Number convicted	Number acquitted	Number of dacoities— (a) which occurred (b) convicted
1	2	3	4	5	6	7
Number of burglaries—			Number of persons bound over			
(a) which occurred			Under section 109		Under section 110	
(b) convicted.			8		9	
					10	

719. It is not a magistrate's duty to examine the internal administration of a police station. His primary duty is to analyse the crime and the action taken by the police during the past year, and to suggest what further action is required; but it is also useful for him to record matters of personal observation at the police station.

Old para.
1300

The most important points to be noted at most police stations are given below. This list, however, is not exhaustive; while on the other hand it is not intended that a sub-divisional magistrate should examine all these points whenever he inspects a police station. A thorough examination of some of the points is much more valuable than a cursory examination of all:

Analysis of crime

This does not mean copying out statistics supplied by the station officer. Important figures should be emphasized, their significance explained and their causes examined.

Detection

The criterion of detective work is not merely the number of convictions. The conviction of a burglar arrested on the spot reflects little credit on the police, while detective ability may be displayed and valuable information obtained in investigating a burglary or dacoity, even though no one is prosecuted for the substantive offence. Moreover, it does not follow because a man is acquitted that the police were wrong in prosecuting him.

Preventive action

The value of action taken under sections 109 and 110, Criminal Procedure Code, can be tested by seeing whether the man's arrest has led to a diminution of professional crime near his home or in the area where he was suspected of operating.

It is essential that a magistrate should stimulate the station officer to take any action under section 110 of the Criminal Procedure Code that may be necessary ; but it is undesirable that a magistrate should order the institution of proceedings against any particular person, as this commits the magistrate beforehand to an expression of opinion about a man whose case he will have to decide in court. A magistrate's best course, therefore, is to indicate the lines on which the station officer should proceed, but leave it to the police to institute proceedings. By examining the crime map a magistrate can always discover the area with regard to which preventive action is required ; and by examining the history sheets and village register he can often select the persons to whose conduct the station officer should pay special attention. It must be borne in mind, however, (a) that while most professional burglars in India do not go far a field, some make a point of operating outside their own police circle in order to allay suspicion, and (b) that history sheets and the village register may not be properly maintained and that there may be active criminals not mentioned in the police records.

Surveillance

Detailed rules about the maintenance of history sheets are contained in paragraphs 212 to 223 of the Police Regulations, but it is unnecessary for a magistrate to examine the procedure in detail. It should be ascertained whether the station officer knows where the men "under surveillance" are.

Cattle theft

Are the thefts the work of local criminals or wandering gangs ? This can be tested by noting whether losses of cattle increased as a wandering tribe passed through the circle.

Arms Act

Have arms been used in crimes ? If so, where do the arms come from ? Do licensees or exemptees lend their arms to unauthorised persons ? Do licensees use their arms to protect their neighbours from dacoits ? Have adequate rewards been given for assistance in arms cases ?

Excise cases

Do the police co-operate with the Excise department ? Have the police received adequate rewards from magistrates ?

Mukhtias

Are any fit for removal ?

Rewards

Have police chaukidars and private persons been adequately rewarded for good work ?

Co-operation

Do the police of neighbouring circles co-operate with each other ?

Absconders

Have the police done their best to trace offenders, and with what result ? Are any names fit for removal from the register ? Are rewards offered adequate ?

Buildings and Government property

It is not a magistrate's duty to inspect these in detail, but any special points, such as insecurity of the hawalat or malkhana or the necessity of urgent repairs or rusty weapons or inadequacy of blankets for prisoners, may be conveniently recorded.

Appreciation of station officer's work

Ordinarily this should be recorded in the inspection book but if the magistrate has adverse remarks to make, he should send them to the District Magistrate confidentially.

Chapter XLIX—Miscellaneous

Old paras.
741

720. The "Rules regarding Afghan refugees" are contained in a separate booklet issued by the Government of India and which may be obtained direct from the Ministry of External Affairs, New Delhi. That publication contains the substance of orders issued from time to time and provides guidance in matters affecting the supervision and maintenance of Afghan refugees and restrictions imposed.

Afghan refugees.

563

G. O. No.
1655-Z/
VIII—5037.
46, dated
August
26, 1946.

721. In sanctioning any new procession or ceremony or any alteration in the route or procedure of a customary ceremony such as Muharram or Ram Lila, etc., the Magistrate should proceed with the greatest caution, bearing in mind the danger that any innovation or alteration may be a cause for objection to some other section of the public and a possible source of danger to the public peace.

Procession routes.

563-A and
847

D. O. No.
4039-D/
VIII—10
(103)-B-50,
dated July
18, 1950.

722. (1) When in exercise of the powers given by section 128 of the Civil Procedure Code, a Magistrate, who is engaged in dispersing an unlawful assembly, is compelled to direct the police acting under him to use their fire-arms, he shall, if possible, give beforehand to the mob full warning that firing will be effective and that blank cartridges will not be used.*

Firing during disturbances.

(2) Firing should never be in the air or over the heads of the crowd, and it is important that magistrates should realize that no variation of this order is permitted. Firing in the air or over the heads of the crowd only encourages further violence by giving the impression that there is nothing to fear from the weapons of the police.

(3) Paragraph 70 of the Police Regulations lays down that blank cartridges will not be served out to the police employed to suppress a riot. This paragraph with which all magistrates should be well acquainted also defines how responsibility is shared between magistrates and police officers.

(4) If in the course of dealing with a disturbance of the peace, fire-arms have been used by the police, an inquiry must be held with the least possible delay. In unimportant cases the inquiry may be held by the Sub-Divisional Magistrate. In all other cases, the inquiry must be made by the District Magistrate unless he is incapacitated or unless he himself ordered the firing in which case the inquiry will be made by the Commissioner. The result of such inquiries should be submitted to Government, with the least possible delay and should not be communicated to the press.

(Also see note 2 to paragraph 242.)

G. O. No.
2326/VIII—
445-44,
dated
August 28,
1944.

723. It is unnecessary for the civil authorities to make an inquest under section 174 of the Code of Criminal Procedure about deaths due to accidents involving military, naval or air force air-craft, provided that the

Inquest in service air-craft accidents.

deceased was a member of the defence forces and was acting in the course of his duty as such and that the air-craft was being operated at the time of the accident under the orders of the naval, military or air force officer. A certificate from the officer in pursuance of whose order the air-craft was being operated at the time, that the foregoing conditions are fulfilled may be accepted as dispensing with the need for an inquest.

This instruction is given as security considerations may render investigation by the police inexpedient and as such accidents are invariably inquired into by the military authorities concerned.

724. Letters of thanks or appreciation may be issued to members of the public who render special help in resisting dacoits, fire-fighting, or in providing relief on the occasion of floods and these

Letters of thanks. letters should be issued over the signature of the District Magistrate, Deputy Inspector General of Police of the Range, or the Inspector General of Police according to the merits of the case and should be suitably worded in Hindi. Care should be taken to see that such letters are issued only in deserving cases so that they may not lose importance. In exceptional cases where the District Magistrate is satisfied that a letter of thanks or appreciation should be signed by the Minister, he may in such cases send up his proposals to Government.

G. O. No.
5567 Z/
V111-548/
50, dated
December
8, 1951.

725. Paragraph 501 of the Police Regulations contains instruction regarding the defence of civil or criminal

**Defence of police officers
and chowkidars**

proceedings instituted against police officers otherwise than by Government in respect of acts purporting to have been done in their official capacity.

It has also been decided that the provisions of that paragraph will be applicable to village chowkidars and on the same terms.

Old para
834

G. O. No.
635-Z/V111-
1056 1952,
dated Feb-
ruary 13,
1953.

IX—LOCAL SELF-GOVERNMENT DEPARTMENT

Chapter L—Rules and Orders of the Department of Local Self-Government

726. (1) Reference may be made to the following manuals in respect of matters dealt with by the Local Self-Government Department :

- (a) The District Board Manual.
- (b) The Town Area Manual.
- (c) The Arboriculture Manual.

(2) Rules relating to nazul land under the control of local bodies are contained in the Nazul Manual.

727. The attention of all Commissioners and District Officers is drawn to G. O. no. 8219-A/IX--8-51, dated October 27, 1952 conveying orders limiting the functions of Commissioners of divisions in relation to local bodies. The orders there conveyed are of importance and are brought to notice as they relieve Commissioners of duties laid down in various rules, regulations or executive instructions made and issued by Government. This Government Order with its annexures has been published in booklet form and is available from the Superintendent, Printing and Stationery, U. P., Allahabad.

728. (1) The law regulating the keeping of public sarais is contained in the Sarai Act, 1867, which is included in chapter IX of the District Board Manual and to which reference should be made in matters affecting the management of sarais. The provisions of the Act are supplemented by the following orders of Government :

Sarais.

- (a) The detailed register of sarais prescribed in section 4 of the Act must be regularly maintained in all districts.

NOTE—The term "sarai" includes "dharmashala" (G. O. no. 8343/VIII—360, dated November 2, 1910).

- (b) A certificate of character in the following form, sent by the tahsildar and the officer in charge of the police station within the limits of whose jurisdiction the sarai is situated, must be produced by any person desiring registration as a sarai-keeper ;

Certificate of character

Section 6, Act XXII of 1867

I hereby certify that the character of
son of

resident of _____ is to the best of my belief not
such as to preclude his being permitted to keep a sarai.

298 RULES AND ORDERS OF THE DEPARTMENT OF LOCAL SELF-
GOVERNMENT

(c) Under section 16 of the Act the above provisions do not apply to any sarai under the direct management of the State Government or of any Municipal Committee.

(2) The provisions of the Act are by section 17 made applicable to the entire portion of the State formerly constituting the Province of Agra. Under that section the Act has also been extended to Avadh by notification no. 591, dated July 25, 1883, and which was published on page 433 of Part I of the State *Gazette*, dated July 28, 1883.

729. (1) The Act and rules framed for the management of ferries are contained in Chapter X of the District *Management of ferries.* Board Manual.

Notifications under the Northern India Ferries Act, 1878, declaring what ferries are public ferries will be found in Volume II of the Local Rules and Orders.

The above rules embody orders delegating certain powers to Commissioners, the District Magistrates' power to make rules, classification of rivers and exemption from tolls and also include model rules applicable to ferries managed by district boards.

(2) A list of ferries under the immediate supervision of the Public Works Department is given in paragraph 287 of the Public Works Manual. Rules 288 and 289 of that Manual deal with exemption from tolls and the repairing of damage to ferries while Appendix 17 of that publication gives instruction as to calculation of the proper maximum load of a ferry boat.

X—FINANCE DEPARTMENT

Chapter LI—Financial Rules and Orders

730. The rules and orders of Government in the Finance Department are contained in a number of separate publications. A list of those which are of more general interest is given below :

Old paras.
1301 to
1335, 1337,
1338, 1346
to 1350,
1354 to
1362,
1365 to
1445, 1447,
1449 to
1453 and
1455.

- (1) Civil Service Regulations.
- (1-A) Appendices to the Civil Service Regulations.
- (2) U. P. Stamp Manual.
- (3) Registration Manual.
- (4) Government Securities Manual.
- (5) Financial Handbook, Volume I.
- (6) Financial Handbook, Volume II.
- (7) Financial Handbook, Volume III.
- (8) Financial Handbook, Volume V.
- (9) Financial Handbook, Volume VI.
- (10) Financial Handbook, Volume VII.
- (11) U. P. Budget Manual.
- (12) Sub-Treasury Manual.
- (13) Resource Manual.

731. To facilitate reference a brief, though not necessarily complete, summary of the principal contents of each of the above publications is given below. This is intended to direct officers to the precise publication containing detailed rules or orders on any particular subject pertaining to the Finance Department. The Treasury Officer is expected to be acquainted with the financial rules with which a District Officer is concerned in his day-to-day work and should when requested assist by indicating the rules applicable in any matter under reference.

(1) *The Civil Service Regulations*—Rules regarding *pensions* are to be found in the Civil Service Regulations ; in particular rules on the following points should be noted :

Article 4, C. S. R. . . Claims to pension.

Article 351, C. S. R. . . Withdrawal or withholding of a pension or any part of it if the pensioner is convicted of serious crime or is guilty of grave misconduct.

Article 351-A, C. S. R. . . Recovery from pension of losses found in judicial or departmental proceedings to have been caused to Government by negligence or fraud of an officer during service, *who entered service on or after 7th August, 1940.*

Article 353, C. S. R. . . Disallowance of pension to officers dismissed or removed from service for misconduct, insolvency or inefficiency. *and the grant of compassionate allowances in cases deserving of special consideration.*

Article 417, C. S. R. . . Treatment for the purpose of pension of the service of an officer who has been suspended but who is reinstated with forfeiture of a part of his allowances for the period of his suspension.

Article 418, C. S. R. . . Forfeiture of past service on resignation from public service, dismissal or removal for misconduct, insolvency, inefficiency not due to age, or failure to pass a prescribed examination.

Article 470, C. S. R. . . Full pension not to be granted as a matter of course, or unless the service is really approved.

Chapter XXI, C. S. R. Re-employment of pensioners.

G. O. No.
539/X---
166, dated
November
25, 1932.

Prompt disposal of pension applications. See Appendix 32 for instructions to officers and Heads of Departments for prompt preparation of pension papers, verification of service, etc.

G. O. No.
G-II-26/X-
912-1919,
dated March
15, 1950.

(2) *The U. P. Stamp Manual*—This manual pertains to the administration of the Indian Stamp and Court Fees Acts and contains these Acts with commentaries as also the rules and orders issued under those Acts by the Central and State Governments or the Board of Revenue.

(3) *The Registration Manual*—This consists of two parts—the first part contains the Indian Registration Act, 1908, with commentaries while the second part contains the rules and orders relating to the establishment employed for registration work, office regulations, the duties of and procedure to be followed by registering officers and provision for inspections.

(4) *The Government Securities Manual*—This is a Central Government publication and pertains to the administration of the Indian Securities Act, 1920, as amended from time to time. It relates to matters connected with securities held by Government officers in their official capacity, deposit of promissory notes for safe custody at treasuries, renewal of securities, consolidation and sub-division of securities, conversion of security from one form to another, etc. The rules contained in this Manual are also followed by the State Government.

(5) *The Financial Handbook, Volume I (Book of Financial Powers)*—The Financial Handbook, Volume I, describes the general financial powers of the State Government, which do not appear in any other Financial Handbook, and indicates the extent to which they may be exercised by Government and the subordinate authorities to whom they have been or may be delegated. It states which authorities are competent to create temporary or other posts, sanction allowances, sale or lease of Government lands or buildings, place contracts and enter into agreements, purchase articles for Government use, write off irrecoverable dues or any kind of losses, incur contingent and other miscellaneous expenditure, etc. It also explains the procedure for the communication to the Accountant General of financial sanctions accorded by various authorities in exercise of the power delegated to them.

(6) *The Financial Handbook, Volume II (Fundamental and Subsidiary Rules)*—The Financial Handbook, Volume II, contains the Fundamental Rules regulating the general conditions of service under Government, fixation of pay and the grant of personal or special pay, holding of more than one appointment at a time simultaneously and the grant of additional pay therefor, estimation and recovery of rent for residences provided by Government for its servants, deputations out of India, dismissal and suspension of Government servants and the grant of subsistence allowance during the period of suspension, age of compulsory retirement for different classes of Government servants, acceptance of honoraria and fees by Government servants, various kinds of leave admissible to different classes of Government servants and the rules and procedure for the grant of joining time, transfer to foreign service, determination of domicile for the purpose of overseas pay, and conditions of service of Government servants paid from local funds administered by Government.

It also contains the subsidiary and supplementary rules framed by the State Government under the Fundamental Rules and gives a list of the authorities to whom powers have been delegated by Government under the various fundamental, subsidiary and supplementary rules and the extent to which such powers have been delegated.

(7) *The Financial Handbook, Volume III (Travelling Allowance Rules)*—The Financial Handbook, Volume III, contains the Travelling Allowance Rules of the State Government. It explains *inter alia* how Government servants have been classified for purposes of travelling allowance, the kinds of journeys for which travelling allowance may

be allowed, what travelling allowance is to be allowed to private persons who have to perform journeys in connection with Government work, at what rates rail and road mileage allowances and daily allowances are to be calculated, how travelling allowance bills should be scrutinized by Controlling Officers, which officers are given a fixed monthly travelling allowances or conveyance allowances and the terms and conditions under which such allowances may be granted, in which cases travelling allowances can be paid to Government servants even when the journeys performed by them are not directly connected with Government work, who are the Controlling Officers in respect of various classes of Government servants, etc. It also contains a list of the delegations made to various authorities under the Travelling Allowance Rules.

(8), (9) and (10) *Financial Handbook, Volume V, Parts I and II and Volumes VI and VII*—The Financial Handbook, Volume V, is divided in two parts. The rules in Part I describe procedure relating to all financial transactions of Government and to initial and compiled accounts to be maintained in subordinate offices. They are applicable to all departments of the State Government. Part II describes the procedure to be observed in treasuries in respect of transaction with the public and with departments of Government. For the Public Works and Forest Departments the rules in Volume V are supplemented by Special Account Rules contained in Volumes VI and VII of the Financial Handbook respectively.

(11) *The Budget Manual*—The Budget Manual contains the rules framed by the Finance Department for the guidance of estimating officers and departments of the Secretariat in regard to budget procedure in general and in particular to the preparation and examination of the Annual Budget estimates, the schedules of new demands and subsequent controls over expenditure to ensure that it is kept within the authorised grants and appropriations. Rule relating to revised and supplementary estimates, appropriation and reappropriation of funds, surrender of savings and financial irregularities will also be found in that Manual.

(12) *The Sub-Treasury Manual*—The Sub-Treasury Manual contains rules of procedure for the use and guidance of all sub-treasuries in Uttar Pradesh. It brings together for facility of reference and application, all the relevant rules relating to sub-treasuries which are to be found in different Codes and Manuals. The rules contained in this publication are thus generally based on the existing rules but new rules based on the existing practice or requirements of sub-treasuries have also been included.

(13) *Resource Manual*—The rules in this Manual lay down the procedure to be followed at Government treasuries in connection with the movement of funds, the custody and remittance of treasure and the supply of currency to the public. Until Government issues rules for treasuries in this State in connection with matters dealt with in the Manual such as the custody of treasury balances and the procedure to be followed in receiving and disbursing monies held in those balances, the rules in the Manual should be followed.

732. The following rules of general interest are issued by the Finance Department and are published as separate booklets which are obtainable from the Superintendent, Printing and Stationery, U. P., Allahabad :

(1) The U. P. State Insurance and Endowment Assurance Rules.

(2) The U. P. Contributory Provident Fund—Pension—Insurance Rules.

(3) The U. P. Civil Services (Extraordinary Pension) Rules.

(4) The General Provident Fund Rules, U. P.

(5) The Contributory Provident Fund Rules, U. P.

(6) The U. P. Sales Tax Act and Rules.

Chapter LII—Miscellaneous

G. O. no.
A. 1532/X-
574, dated
August
26, 1941.

733. Under Article 153 of the Audit Code reproduced in Appendix 33 the inspecting officer is required to complete the audit inspection report before he leaves the office inspected and it is not signed by the inspecting officer until the officer in charge of the inspected office has been given an opportunity of reading and discussing the note and suggesting any omissions or modifications. To secure this inspecting officers of the Accountant General's office should comply with the following instructions :

“The notes describing objections noticed during the course of the day's audit are furnished to the head of office inspected every afternoon with the request that they may be returned with the replies the next day. On return of these notes the replies are considered and minor objections are settled on the spot. The unsettled objections only are, according to their importance, included in the inspection report or a test audit note, which is required to be completed on the last date of inspection. The inspection report after having been shown to the head of the office is also required to be sent to the Accountant General's office the same day, if possible, or on the next day in any case, for scrutiny in his office and issue in its final form.”

In order to enable the expeditious disposal of audit notes it is essential that the audit notes shown to the officer in charge of the inspected office are returned by him daily so that the drafting of the final inspection report and test audit note may be completed by the last date of the inspection. Furthermore, officers in charge of the inspected offices must realise their responsibility in granting all facilities for the proper inspection of their offices and should in particular make themselves readily available for personal discussion with the inspecting officer. The personal co-operation of officers is essential and not only should they see that the draft audit notes received by them are returned from day to day but they should also make a point of being present for personal discussion at least on the last date of the inspection.

G. O. no.
A(1)-6870/
X-417-48,
dated September 23,
1949.

734 Attention is drawn to the provisions of paragraph 56 of the Financial Handbook, Volume V, Part I, which prescribes that the Government servant who is authorised to draw monies by means of cheques should notify to the Bank or the Treasury upon which he draws, the number of each cheque book brought into use as well as the number of cheques the book contains. This rule implies that the Bank or Treasury should not cash a cheque until notice of the use of the cheque book is received from the drawing officer. It is, therefore, essential that due notice should be given to the Bank or the Treasury each time a new cheque book is brought into use. Any failure to observe the provisions of the above rule will be viewed with severe displeasure.

735. Several instances have occurred of funds lapsing owing to debits for stores not being received by the receiving departments or not being raised by the supplying departments in time. This results in funds provided not being utilized within the financial year and hence not only must supplying departments arrange for the prompt raising of debits against the receiving departments but it is equally the responsibility of the latter as part of their control over the funds at their disposal, to see that allotments made for supplies and services by other departments do not lapse on account of non-receipt of debits. It is essential that close liaison is maintained between supplying and receiving departments and Controlling Officers should keep watch over the receipts of debits for supplies received and remind the supplying departments, if there is any undue delay.

G. O. no.
A-I-7690/
X—823-49,
dated
November
30, 1949.

736. Condemned vehicles belonging to Government should invariably be disposed of by public auction and Government officials belonging to the department which is disposing of the vehicles should not bid at such auctions except with the prior approval in writing of the head of that department.

G. O. no.
A-5900/X—
590-T-49,
dated
August 22,
1949.

737. Government servants who are allowed to use Government property such as typewriters, etc., outside the office should exert the same vigilance to prevent loss of or damage to such public property entrusted to them as a person of ordinary prudence would exercise in respect of his own property. Any negligence or failure on the part of an officer to exercise due vigilance will be viewed with severe displeasure by Government apart from the recovery of the cost of the articles lost or damaged.

G. O. no.
A-I-3241/
X—117-50,
dated Sep-
tember 29,
1950.

738. Ordinarily expenditure should not be incurred on entertainments at Government institutions. If, however, the circumstances are such that the incurring of some expenditure is unavoidable then the prior sanction of Government must invariably be obtained before the expenditure is incurred. Government will take serious notice of any instance in which expenditure is incurred from public funds for entertainments without prior sanction and the officers concerned will also be held personally liable for any such expenditure incurred.

G. O. no.
A-I-778/X-
2(2)-1949,
dated
March
20, 1950.

739. (1) All disbursing officers within the State who make payments to contractors and other non-officials on behalf of Government or local bodies should intimate the details of the payments made in the undernoted form to the Assistant Director of Inspection (Income Tax), Central Board of Revenue, Collection Branch, Poonamalle High Road, Madras. These lists should be sent monthly or quarterly as convenient and to save labour the following may be excluded :

G. O. no.
M-939/X—
438-1944,
dated
August 3,
1944.

G. O. no.
S-4630/X—
436-50,
dated June
28, 1950.

(a) Items in which the payment made at a time is less than Rs.250.

(b) Annas and pies in all items.

(2) In the case of territories merged in Uttar Pradesh similar payments to non-officials should be reported by disbursing officers in the form below to the Additional Director of Inspection (Income Tax), Madras :

*List of payments over Rs.250 made by (Disbursing Officer)
in the quarter ending/month of.....*

Serial no.	Name of payee, and full address (if known)	On what account payment made	Date of payment	Treasury Amount Its.

XI—MUNICIPAL DEPARTMENT

Chapter LIII—Rules and Orders

A—General

740. Orders and rules concerning municipalities are contained in the Municipal Manual. Old paras.
1501 to 1531

741. The law, rules and instructions relating to administration of Notified Areas are set out in the Notified Area Manual. Attention is drawn to the preface of that Manual, which explains the nature of its contents.

742. Rules regarding Improvement Trusts are published in the Improvement Trust Rules. “Improvement Trust Rules, 1924”, and are given in the Improvement Trust Manual.

743. The Development Board, Kanpur, is controlled by laws contained in the “Kanpur Urban Area Development Board Act, 1945”, as subsequently amended, and rules framed under that Act.

744. Cantonment Boards are controlled by Cantonments Act, 1924, as subsequently amended and rules made thereunder. The settlement of a dispute between a cantonment board and a local body is governed by section 45(2) of the Cantonments Act and not by section 325(1) of the U. P. Municipalities Act.

745. The law regarding vesting and administration of property hold in trust for charitable purposes is given in the Charitable Endowments Act, 1890 and the U. P. Charitable Endowments Rules, 1943, made by Government in exercise of powers conferred by section 13 (2). The Act and Rules having the force of law are printed in the Charitable Endowments Manual, which also contains forms prescribed by the rules and a list of the charitable endowment trusts constituted under the Act. 517—532

B—Town Planning

746. (1) A Town and Village Planning Department has been set up at the headquarters of the Government and whenever any large-scale building location (Government or otherwise) or any group of shops or any sizable housing development is authorised in big towns or in those towns where the Town Planning Department is preparing master plans or town planning schemes the matter should first be referred, with the District Magistrate’s recommendation, to the Town and Village Planner to Government, U. P., Lucknow for approval. In other towns also major housing or road schemes or location of any important public or educational building or such other schemes as may be specified by the Housing and Town Planning *Ad Hoc* Board, should be submitted to the Town Planner for approval.

G.O.no.
1429-P/XI.
B—39-P/
1949, dated
April 29,
1950.
G.O.no.
2405-P/XI.
B—39-P/
1949, dated
October 30,
1950.
G.O.no.
1021P/XI.
B—39-P/
1949, dated
August 30,
1951 and

G.O. no. 654
P/XI-B—
39-P-1949,
dated April
22, 1950.

(2) Municipal Boards, Improvement Trusts and the Development Board, Kanpur, should invariably submit the master plans for their cities to the Town Planner for approval. The individual schemes of these local bodies should also be submitted to him at two stages, viz., (a) at the initial stage of the scheme, and (b) when the scheme has been finally planned. Local bodies are advised to consult him when they feel the necessity for his assistance.

Improvement Trusts and the Development Board, Kanpur, need not submit their development schemes through the District Magistrates. After obtaining the technical approval of the Town and Village Planner the Trusts/Development Board should submit their schemes direct to Government.

(3) The office of the Town and Village Planner includes an Architectural Section and local bodies can, therefore, consult the Town and Village Planner in respect of the architectural aspect of any building projects which they propose to take up.

(4) The location of any sizable buildings such as courts, hospitals, sewage disposal plants, transport offices and workshops at Lucknow, Banaras, Agra, Allahabad and Kanpur and in the towns where the U. P. Town and Village Planning Department is preparing master plans or other Town Planning Schemes, should first be co-ordinated with the Town Planning Office and the constructions should be made only after obtaining the approval from that Department.

G.O. no. U.O.
577 P/XI-B
—20 P.
1949, dated
January 16,
1951.

747. (1) Under notification no. U. O. 577-P/XI-B—20-P-1949, dated January 16, 1951, the Town and Village Planner, Uttar Pradesh, has been accorded the status of a Head of Department and all the powers of a Head of department under the Fundamental and Subsidiary Rules (Financial Handbook, Volume II, Parts II to IV), the Travelling Allowance Rules (Financial Handbook, Volume III) and the Account Rules (Financial Handbook, Volume V, Part I) have been delegated to him. In exercising such powers he will bear all responsibility for action taken and orders issued according to this delegation.

(2) The Town and Village Planner, Uttar Pradesh, has been made the appointing authority in respect of the non-gazetted staff sanctioned for his office and is authorised to sign pay and travelling allowance bills of the non-gazetted staff under his control. He will also be the countersigning authority for travelling allowance bills of the gazetted staff under him. As a Head of Department he will be the controlling officer in respect of his own travelling allowance bills.

(3) Subject to the above conditions the Town and Village Planner will exercise and perform the powers and functions of a Head of Department and will be mainly responsible for the smooth and efficient working of his office.

XII—AGRICULTURE DEPARTMENT

Chapter LIV—Organization

748. The Agriculture Department functions under the Director of Agriculture, who exercises supervisory and administrative control over the entire department.

The Director is assisted by the following staff at Headquarters :

- (a) Deputy Director, Headquarters,
- (b) Personal Assistant, and
- (c) An Accounts Officer for advice on financial matters.

749. (1) The charge of the department's activities on the development side has been entrusted to the Functional Deputy Directors and Statisticians. undernoted functional Deputy Directors :

- (a) Deputy Director, Seeds and Farms,
- (b) Deputy Director, Demonstration and Field Extension,
- (c) Deputy Director, Horticulture,
- (d) Deputy Director, Fertilizers and Manures,
- (e) Deputy Director, Soil Conservation, and
- (f) Deputy Director, Intelligence and Publicity.

(2) The Deputy Director, Seeds and Farms at headquarters has the assistance of an Agricultural Officer in the Junior Scale of the Uttar Pradesh Agriculture Service. He controls improved stores usually located at the tahsil headquarters and seed and demonstration farms in the various districts. He is responsible for the multiplication of improved seed, its purchase, storing and distribution and maintenance of farms with particular reference to high production of seed per acre.

(3) The Deputy Director, Demonstration and Field Extension, is responsible for demonstrations on cultivators' fields.

(4) The Deputy Director, Horticulture, is assisted by a Fruit Utilization and Marketing Officer and a special officer for nurseries. He is responsible for development and research in Horticulture, maintenance of Government Gardens, tree plantation and private nurseries, production and supply of vegetable seeds and multiplication and storing of disease-free potatoes.

(5) The Deputy Director, Fertilizers and Manures, is assisted by a Town Compost Officer and he is responsible for production and distribution of town compost, purchase and distribution of green manure seeds, distribution of artificial fertilizers and preparation of manure from slaughter houses. He has also been entrusted with development of the Japanese method of paddy cultivation in the State.

(6) The Deputy Director, Soil Conservation, is in charge of soil conservation and land reclamation schemes in the Lucknow and Hardoi districts. He has four farm managers in the Junior Scale of the Uttar Pradesh Agriculture Service.

G.O. no.A-3684/XIIA, dated November 18, 1948 read with G.O.no.A. 5895A/XIIA, dated November 18, 1948.

G.O. no.A. 3684/XII-A, dated November 18, 1948.

G.O. no. B-3894/XII-A, dated September 8, 1949.

(7) The Deputy Director, Intelligence and Publicity, is assisted by two assistants, a Technical Officer and a District Agricultural Officer (Public Relations). He is responsible for the organization and supervision of the Bureau of Agriculture Information, and publication of the Agriculture Journals. He is also the Secretary to the Uttar Pradesh Board of Agriculture and the Departmental Research Committee.

(8) There is a Chief Statistician in the Uttar Pradesh Agriculture Service, Senior Scale, assisted by two Statisticians, who are responsible for the collection of statistics, its analysis, and for presentation and scrutiny of forecasts, crop-cutting experiments, etc.

G.O. no. 2597-A/XII-A-230-1947, dated April 18, 1947.

750. (1) Each revenue district is placed for agricultural development work under a District Agricultural Officer who is required to work in co-ordination with corresponding officers of other development departments in the district under the control of the District Planning Officer. For the purpose of the Financial Handbook, Volume V, Part I, the District Agricultural Officer has the powers of a drawing and disbursing officer in respect of his district.

(2) District Agricultural Officers have been authorised to appoint clerical staff (except head clerks) and other inferior staff. Their powers in respect of write-off and other financial matters are given in G. O. no. 2597-A/XII-A-230-1947, dated April 18, 1947.

751. The following Officers conduct research in the department :
Research work.

- (1) Director, Sugarcane Research Station, Shahjahanpur.
- (2) Economic Botanist (Cereals).
- (3) Economic Botanist (Oilseeds).
- (4) Economic Botanist (Cotton).
- (5) Assistant Economic Botanist (Paddy).
- (6) Crop Physiologist to Government.
- (7) Entomologist to Government.
- (8) Plant Pathologist to Government.
- (9) Agricultural Chemist to Government.

Government of India's Resolution no. F.16-M/34, dated January 10, 1935.

752. The Assistant Marketing Officer, with headquarters at Lucknow is responsible for the survey of commodities and development of marketing and also for the dissemination of marketing intelligence.
Marketing.

753. There is an Agriculture College at Kanpur and Agricultural Schools at Gorakhpur, Bulandshahr and Chirgaon (Jhansi). The College provides graduate and post-graduate tuition in agriculture and allied subjects and prepares for the Degree Examination in Agriculture; while the Agricultural Schools prepare for the Agriculture Diploma Examination.
Agricultural Education.

XII-C—CO-OPERATIVE DEPARTMENT

Chapter LV—Rules and Orders

754. The rules and orders applicable to the Co-operative Department are given in the Manual of Co-operative Societies which is published in three volumes :

Volume I (A) consisting of the Co-operative Societies Act, 1912, and rules thereunder together with orders and instructions issued by Government and superior authorities.

Volume II containing model by-laws for various types of societies.

Volume III dealing with forms of account, registers, reports and returns.

755. Under G. O. no. 777/XII-C-132-47, dated April 19, 1947, the Rural Development Department has been merged in the Co-operative Department. In consequence of the merger the following directions have been given :

G.O.no.777/
XII-C-132-
47, dated
April 19,
1947 and
G.O.no.
1547-R/
XII-C, dated
September
8, 1949.

(a) In each revenue district, the combined activities of the two departments will be ultimately controlled by the District Co-operative Officer, who is an Assistant Registrar of Co-operative Societies.

(b) The staff of the Women's Welfare Scheme is placed under the charge of a Woman Director, who will be assisted by Zonal and District Organizers and Gram Sevikas.

(c) Divisional Superintendents and District Superintendents of the Rural Development Department have been invested with powers of Assistant Registrars under the Co-operative Societies Act.

(d) The Assistant Registrar is authorised to exercise powers of censure and suspension over the staff under him in the district.

Where a district has no Assistant Registrar, the Inspector in charge will exercise only the power of censure and refer cases of suspension to the Deputy Registrar.

756. (1) The Registrar, Co-operative Societies, has been authorised to delegate—
Entries in Character rolls and Censure.

G.O. no.
1841-B/
XII-B-64-
46, dated
Novem-
ber 20,
1951 and
G.O. no.
2999/XII-C
-64-46,
dated
March 10,
1952.

(i) to the Deputy Registrars, Co-operative Societies, his powers to make entries in the character rolls of and to censure members of the subordinate services under his administrative control;

(ii) to the Dairy Development Officer of his department the Registrar's powers of making entries in the character rolls of members of the subordinate services under his administrative control and of censuring them.

(2) A representation or an appeal from any member of the above subordinate services against an adverse entry or censure respectively will lie to the Registrar, where delegation of powers has been made as above.

G.O. no.
1334C/XII-C
—155-52,
dated June
5, 1953.

757. The Registrar, Co-operative Societies, has been authorised to delegate to the Deputy Registrars, Co-operative Societies, his powers to inflict the following penalties on members of the subordinate and inferior services in districts under their respective charge:

**Recoveries from pay
and suspension.**

(i) To order recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders.

(ii) Suspension.

As these punishments are not appealable, Deputy Registrars exercising such powers should be careful in imposing these penalties and should be judicious in the use of the powers entrusted to them.

XII E --ANIMAL HUSBANDRY DEPARTMENT

Chapter LVI—Departmental Orders

758. For rules and orders regarding live-stock and matters per- old para.
Civil Veterinary taining to the Animal Husbandry Depart- 2209
Manual. ment, reference should be made to the Civil
Veterinary Manual.

XII—F—FISHERIES DEPARTMENT

Chapter LVII—Orders Relating to Fisheries

759. The Fisheries Department is an integral part of the Animal Husbandry Department and departmental orders relating to fisheries will be found in the Animal Husbandry Manual (under preparation). Old paras.
2479 to 2481

For rules for the protection of fish, reference should be made to the rules framed under the Indian Fisheries Act, 1897, which were published in the *U. P. Gazette* with Government notifications nos. 386/1-483-B and 387/1-483-B, dated January 30, 1900. These rules and those to be framed under the U. P. Fisheries Act, 1947, will be incorporated in the Manual of the Animal Husbandry Department when compiled.

XIII—EXCISE DEPARTMENT

Chapter LVIII—Excise Rules and Orders

760. The orders of Government concerning excise are contained in the Excise Manual which is published in three volumes : Old para. 1801.
Excise Manual.

Volume I deals with law and rules regarding spirituous liquors and hemp drugs.

Volume II contains the appendices and forms which supplement Volume I.

Volume III gives the law and rules relating to opium and dangerous drugs.

Knowledge of this Manual is essential in district administration and sufficient copies should be available in each district for the use of the magistracy, police and officers of the Excise Department.

761. Other statutory rules issued by the Excise Department are—
Statutory Rules.

- (a) the U. P. Sales of Motor Spirit Taxation Rules, 1939,
- (b) the U. P. Power Alcohol Rules, 1946 and
- (c) the U. P. Molasses Control Rules, 1951.

The above rules have been published in the form of separate pamphlets which are available from the Superintendent, Printing and Stationery at Allahabad. All officers engaged in district administration should know the main purport of these rules and their duties thereunder.

XIV.—FOREST DEPARTMENT

Chapter LIX.—Departmental Rules

762. For rules regarding this Department reference should
Forest Manual. be made to the Forest Manual.

XV—EDUCATION DEPARTMENT

Chapter LX—Rules regarding Education

763. (1) For rules and orders regarding education, reference should be made to—

Old paras.
1915 and
1917.

Departmental Rules.

- (a) The Educational Code for Schools and Colleges.
- (b) The Compulsory Primary Education Manual.
- (c) The Code of Regulations for European Schools.
- (d) The District Board Education Rules in Chapter XI of the District Board Manual.
- (e) Orders concerning municipal expenditure on education and management of schools in Chapter IX of the Municipal Manual.
- (f) Calendar of the Board of High School and Intermediate Education, U. P.

(2) Statutes, regulations and orders affecting Universities in the State are set out in the Annual Calendars of those institutions.

764. Service rules for the various branches of the Education Services are obtainable as separate pamphlets from the Superintendent, Printing and Stationery, U. P., Allahabad, and are as follows :

Service Rules.

- (a) U. P. E. S., Class I Rules.

Note—Since the 1st April, 1947, the U. P. E. S., Class I and U. P. E. S., Class II Services have been amalgamated and fresh service rules for the combined services are being framed.

- (b) Deputy Inspector of Schools Service Rules.
- (c) Sub-Deputy Inspector of Schools Service Rules.
- (d) Subordinate Educational Service (Government Sanskrit College, Banaras) Rules.

Chapter LXI—Preservation of Historical Records

G. O. no. A-
4702/XV—
2076-50,
dated August
3, 1951.

765. (1) Government have constituted the Regional Records Survey Committee, U. P. consisting of the following members :

(a) All members of the Indian Historical Records Commission and Research and Publication Committee residing in the State.

(b) Members nominated by Government.

(c) Keeper of Records, U. P., Allahabad, *ex-officio* Member and Secretary of the Committee. He will also be Convenor of the Committee.

(d) A Chairman of the Committee to be nominated by Government.

(2) The functions of the Committee shall be to conduct surveys with a view to bring to light records in private custody and providing for their preservation and publication in the following manner :

(a) Efforts shall be made to encourage the presentation or donation of records to the Central Records Office, Allahabad.

(b) Documents which cannot be presented or donated to the Records Office shall be purchased. In case the documents are purchased by a Branch Committee approval of the Regional Committee shall be necessary.

(c) If documents of historical interest are not available either for sale or presentation, the Committee shall take measures to make brief notes of them.

(d) If the owner of historical records is not inclined to part with a damaged collection of genuine historical importance, arrangements may be made by the Committee through the Central Records Office to get the records microfilmed.

(e) Technical advice on the preservation of documents shall be given by the Committee to the owners of records. If staff of the Central Records Office is utilized for the purpose, the owner of the record shall bear the necessary expenditure.

(3) The Regional Survey Committee may, if it thinks necessary, also appoint Branch Committees, with Government's approval, which shall also include some nominees of Government and allot funds to them for making surveys and obtaining historical records or for such purposes as it may specify in this behalf.

(4) The Regional Committee shall hold at least two meetings annually. The Regional Committee shall submit six-monthly reports of the work done by it to Government. All the records, their copies and notes, presented or donated or purchased by the Regional Committee, shall be the property of Government and preserved at the Central Records Office, Allahabad.

(5) The non-official members of the Regional Committee will draw travelling allowance and daily allowance for attending the meetings of the Committee, and for making survey tours from their usual place of residence to the place of meeting or where they proceed for surveys.

and back on the rates admissible to first class Government servants. Where concession fares for return journeys are allowed by the Railway, travelling allowance will be limited to the actual cost of a return first class ticket plus one-half of the ordinary first class fare each way. The Director of Education, Uttar Pradesh, will be the Controlling Officer in respect of the travelling allowance bills of the non-official members of the Committee. Official members will draw travelling allowance, etc., at the rates admissible to them according to the rules in the Financial Handbook, Volume III, and the cost will be met from the departmental budget concerned.

766. Government have appointed a Keeper of Records at the headquarters of the Director of Education, U. P., Allahabad, and who will discharge the following duties :

G. O. no. A
(2)-1230/XV
—9-48,
dated June
20, 1949.

(a) To carry out a survey of the records in public offices in Uttar Pradesh and to prepare classified lists of records of historical interest in each office of dates prior to 1935.

(b) To advise departments as to the preservation of records and to report to Government cases where arrangements are unsatisfactory.

(c) To arrange for the removal of records from offices to the Central Records Office when established especially in cases where the records are in danger of being weeded out or perishing by neglect.

(d) To suggest the revision of weeding schedules of public offices.

(e) To publish suitable classified lists of and selections from records of historical interest for the benefit of persons undertaking researches.

(f) To organize and maintain a Central Record Room with a staff trained in the preservation of old documents and in their utilization for purposes of historical research.

(g) To maintain State records both in the Central Records Office and in the Departmental, Divisional and District Offices.

(h) To advise Government with regard to the rules and conditions on which the public may be given access to the record room and its services.

(i) To advise Government about the preservation of valuable manuscripts in Government institutions, other than those usually known as public offices.

(j) To make suggestions to Government for advising non-official bodies like universities and learned societies, about the preservation of records of historical importance and other valuable manuscripts in their possession.

Chapter LXII—Archaeology

767. (1) Ancient and historical monuments and archaeological sites and remains, declared by Parliament by law to be of national importance have been included in the Union List under the Constitution and are thus under the exclusive jurisdiction of the Central Government.

Jurisdiction in respect of antiquarian remains.

(2) Ancient and historical monuments *other* than those declared by Parliament by law to be of national importance have been included in the State List and are thus placed under the exclusive jurisdiction of the State. As regards archaeological sites and remains other than those declared by Parliament by law to be of national importance these are shown in the Concurrent List and are thus the responsibility of both the Central and State Governments.

768. In discharge of their responsibilities for the protection and preservation of antiquarian sites and remains the Central Government have established the Archaeological Survey of India who are entrusted with the administration of all matters affecting such sites. The representatives of that Department in Uttar Pradesh are—

The Superintendent, Archaeological Survey, North-Western Circle, Delhi.	For the districts of Dehra Dun, Saharanpur, Muzaffarnagar, Meerut and Bulandshahr.
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The Superintendent, Archaeological Survey, Mid-Eastern Circle, Patna.	For the districts of Basti, Gorakhpur, Deoria, Azamgarh, Banaras, Mirzapur, Jaunpur, Ghazipur and Ballia.
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The Superintendent, Archaeological Survey, Northern Circle, Agra.	For the remaining districts of Uttar Pradesh.
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769. In discharge of their responsibilities for preservation of ancient and historical monuments and archaeological sites and remains *other* than those declared by Parliament by law to be of national importance, the State Government have designated an officer in the office of the Director of Education to be an Archaeological Officer with the following duties :

Archaeological Officer.

(1) To make a general survey of ancient sites and monuments, etc., existing in Uttar Pradesh and in particular to prepare lists of monuments and sites both of national importance and otherwise.

(2) To make proposals for the protection and preservation of monuments other than those of all-India importance.

(3) To prepare lists of houses of cultural and historical importance whether belonging to private individuals or otherwise and to submit proposals for the maintenance of such houses, to visit them when necessary and, generally, to advise Government on their proper maintenance.

G. O. no. A
(2)-4160/
XV—609(7)-
51, dated
June 9, 1951.

(4) To prepare an illustrated brochure of important monuments.

(5) To prepare an illustrated guide book which will serve to inform tourists about places of archaeological interest.

(6) To create popular interest in the subject of archaeology and in places of archaeological interest by suitable means.

770. (1) In order that a district record may be maintained of all antiquarian remains the following lists will be maintained in each district :

District lists on anti-
quarian remains.

I. A list of all ancient and historical monuments and archaeological sites and remains declared by Parliament by law to be of national importance.

II. (a) A list of ancient and historical monuments and archaeological remains *other* than those declared by Parliament by law to be of national importance.

(b) A list of archaeological sites believed to contain antiquarian remains buried underground and *other* than those declared by Parliament by law to be of national importance.

(2) Responsibility for the protection and preservation of the items listed in List I lies with the Central Government whereas the care and maintenance of the monuments, sites and remains classified in List II will rest primarily with the State Government subject to any arrangement which may be made with the Central Government. To enable Officers to assist the State Government in the discharge of these functions, instructions are given as in the succeeding paragraphs.

771. District Officers should bring to the notice of Government through the Director of Education after proper investigation such monuments, archaeological sites and remains as are not of national importance. Such reports should state the amount likely to be required for protection and preservation of the monuments or sites in question and may conveniently be made whenever remains come to notice as in the touring season.

772. On the discovery of buildings or ruins which are of archaeological interest the District Officers should have suitable arrangements made for the protection of such buildings pending the orders of Government to whom the discovery should be reported. In some cases there may be special guardians interested in the protection of buildings to whose care they may be left; but if there are none, the District Officer should endeavour to enlist the services of the persons holding the land on which the buildings or ruins stand and endeavour to obtain from them an agreement to prevent spoliation or injury. Any influential people living in the neighbourhood should be made to realise the importance which Government attach to the

Preservation of ar-
chaeological buildings.

preservation of such monuments and sites and the village police should be made to understand that they are responsible to report any attempt to spoil or damage such structures and anything which is likely to endanger their stability.

773. Valuable remains of old buildings or objects of art buried underground may be classed as treasure under the Treasure Trove Act, 1878, and may be dealt with under that Act when discovered in so far as it is applicable. It is impossible to catalogue all places in which excavation is likely to lead to the discovery of interesting remains but there are certain well known places in many districts such as the sites of ruined cities and buildings, which have this character and where appropriate, action should be taken for the preservation of such sites. Unauthorised excavations should be prohibited and the persons in charge of that land and the village headman and chaukidar should be informed of the prohibition and required to give information of any attempt to disregard it. It should be made known to the police, revenue officials, and to the people generally that Government consider it of importance that old works of art, sculptures, inscriptions, etc., discovered in excavating the soil, should be reported and preserved until at least they have been examined by competent persons and if they are found to be of value, a small reward or some mark of favour by Government will be bestowed on the finder or informer.

Old para.
1605.

774. When contracts are given for making excavations for large public works, special care should be taken to remind contractors of their responsibility to report the discovery of any remains of antiquarian interest and for preserving them from injury.

775. The attention of District Officers is drawn to the powers which they may exercise under sections 4, 5 and 7 of the Ancient Monuments Preservation Act, 1904, and to section 20 of that Act under which the Central Government have power to restrict excavation for archaeological purposes in any area and to declare it a protected area. District Officers should be mindful of the powers vested by the Act and should lend the support of their authority and their co-operation to all archaeological officers, both Central and State, in any action necessary for the proper care and preservation of antiquarian remains existing in the district.

Chapter LXIII—Libraries

General Rules

776. Copies of all publications received by officers, whether free of charge or on payment, should be recorded at once in the catalogues of their official libraries; and head clerks or other persons appointed for the purpose should be made responsible for their safe custody. Old paras.
1677

777. (1) Books shall be classified and arranged according to a system approved by the Head of each Department. The catalogue number borne by the book shall be written on the label. 1678

(2) The catalogue shall be kept in the form given below unless the Head of the Department by written order prescribes a variation better suited to the needs of his Department :

Class	Sub-head, if any	Serial no.	Title	Number of Volume	Date of receipt	Number of copies received		Remarks
						English	Vernacular	

[Form no. 156 (State)]

(3) The catalogue shall be checked each year in January, and all missing books reported to the officer in charge of the library not later than the 1st of February. The officer in charge of the library will, from the charge certificates of the clerks concerned during the year, decide whether the cost of the missing books shall be recovered from them or from other officials responsible. Any missing books should be reported to the officer in charge of the library as soon as the loss is known with a brief note of the circumstances for orders. The official in charge of library will keep a register of issues in form no. 163 in two parts. Part I will contain those books kept permanently with officers such, for example, as those kept in the District Magistrate's private office or in the court of a permanent sub-divisional officer. Part II will contain those temporarily supplied to officers on requisition. A quarterly list shall be submitted in January, April, July and October showing the books temporarily supplied to officers on requisition, which have been out of the library for more than three months. In the case of books permanently supplied to officers, the annual check in January will suffice, provided, however, that when an officer who has books issued to him permanently is transferred, a check should be made before charge is made over, and the signature of the officer who receives the books should be obtained. Every January the officer in charge will take the necessary steps to secure the return of all such books except those for which there is sufficient reason for retention by the borrower.

The annual check will cover all books, those in the library and those out of the library whether in Part I or Part II.

LIBRARIES

Old pages.

(4) The head clerk or the officer responsible in each office shall, when submitting the annual lists, certify to the condition of the books in the library.

The fact that the annual check has been duly made will be reported by March 1st each year by Commissioners to the Administrative Member of the Board of Revenue, by District Officers to Commissioners and by other officers in charge to the Heads of their respective Departments.

(5) Instructions regarding the classification of books and publications in the libraries of Commissioners and District Officers are being provided for in the Revenue Manual.

1679.

778. A written receipt shall invariably be taken from an officer receiving a book from the library, to be returned to him when the book is returned.

Requisition slips.

1680.

779. The seal of the court or office shall be stamped on at least two pages of all books which are the property of the Government in such manner as to cause the minimum disfigurement.

Marking of books.

1681.

780. Every book received for deposit in a library shall be labelled with a label in form given below unless by written order the Head of the Department prescribes a different form :

Government property			
Library	Class		District of
	Sub-head		
	Serial no.		
	Received		
	The	19 .	

[Form no. 15L (Miscellaneous)]

NOTE—These labels will be supplied by the Government Press.

1682.

781. Except as otherwise provided no books shall be weeded until it is found that the library is getting so full as to leave no room for more important receipts.

Restriction on weeding.

1683.

782. Such books and publications as the following are of permanent value and shall not be weeded without reference to the Head of the Department, who will, if he has any doubts, report the matter for the orders of Government. District Magistrates are also authorised to order the weeding of any such books in their libraries provided this authority is not delegated to any other officer and that in any case of doubt prior reference shall be made to Government :

Weeding of books of permanent value.

I. Regulations and Acts, whether in force or repealed.

Old paras.

II. Special Acts (when printed separately).

III. Commentaries on Acts.

IV. Law digests and treatises.

V. Latest editions of the Manual of Government Orders, Civil Service Regulations, Civil Account Code, Treasury Manual, Financial Handbooks and of the directions and manuals (including circulars) of the various departments; also single copies of superseded editions of the above.

VI. Law reports.

VII. Official *Gazettes* (the Superintendent, Printing and Stationery, should be consulted as to whether superfluous copies should be returned to him or sold or sent to another district and if they are sold the sale-proceeds should be credited to the State head "XLV—Stationery and Printing—Other press receipts—Sale-proceeds of waste paper and other unserviceable materials").

VIII. (a) Settlement, census or famine reports, and other reports relating to important matters or events; general administration reports, reports on the administration of land revenue, stamps, excise, income-tax, public health, court of wards' estates, police, criminal justice, and on the working of municipal and district boards, quinquennial reports on education and reports by special commissions or committees of inquiry.

(b) Less important reports :

Reports of provincial departments on the subjects of public works, registration, dispensaries, land records, agriculture, civil veterinary matters, public instruction, civil justice, forests and public health. Reports of other provinces and of departments with which the district administration has little concern, such as departmental administration reports of other provinces, experimental farm reports, annual inland and foreign trade reports.

783. The publications scheduled in paragraph 782 should ordinarily not be weeded at all, and proposals to dispose of any such publications should be fully justified. Should it be necessary to make a clearance the less important reports classified as VIII (b) and not less than six years out of date, should be first selected for disposal.

1684

Selection of books for weeding.

784. The Superintendent, Printing and Stationery, should be referred to when it is proposed to weed duplicate copies of works of any value, for information as to whether they are required elsewhere.

1685

Weeding of works of value.

Old paras.
1686

785. Non-official publications and official publications which have been priced for sale to the public, should, if it is decided to weed them under these instructions, be sold to the best advantage. Official publications which have not been issued to the public should be torn up and disposed of as waste paper.

1687

786. Every Head of Department, Commissioner of Divisions and District and Sessions Judge, has been authorized to sanction the removal from the catalogue of his own official library or from that of a subordinate officer, of a missing book or other publication up to the value of Rs. 25 in respect of each book.

1688

787. (1) Every manual or book of rules which is issued for official use and is subject to correction, shall contain—
Correction slips.

(a) at the beginning or end, a list of correction slips, showing for each slip its number, the paragraph of the book concerned and the date of posting it.

(b) a reference to the slip number written in ink on the margin of the page to which the slip is affixed.

If the correction is only a matter of a few words or mere cancellation, instead of the posting of a slip the addition or cancellation should be entered in ink ; but care should be taken to insert a reference to the slip number.

(2) At the close of each quarter the official responsible for posting correction slips in books in current use in the office and in those in the office library, shall submit a certificate to the head of the office stating that all correction slips received during the quarter have been duly posted and that the provisions of rule (1) have been complied with.

1689

788. (1) Only one copy of official books and reports will ordinarily be sent to each district, and that copy will be kept in the Magistrate's office ; other offices will merely be supplied with their own departmental reports, and such books of reference and *Gazettes* as they may frequently require to consult.

1621

(2) Heads of departments should circulate lists of books in their libraries to their subordinate officers so that the latter may have an opportunity of borrowing such books as they require.

Chapter LXIV—Miscellaneous

789. Meteorites when discovered should be forwarded to the Director, Geological Survey of India, Calcutta, with observations on the points mentioned in Appendix 34. They should be sent carefully packed in wooden or tin cases.

Old para.
1743 and
Appendix 39.

XVI—PUBLIC HEALTH DEPARTMENT

Chapter LXV—Rules and Orders

790. The orders of Government relating to the Public Health Department are published in the U. P. Public Health Manual to which reference should be made. Old paras.
2001 to 2127

791. (1) Instructions for the control of vaccination in municipalities and rural areas and the duties of vaccinators and supervisory staff are given in Chapter XIV of the above Manual. 2088 to 2101

(2) Officers of all grades of the revenue district staff should use their influence in aiding the work of vaccination and when in camp should keep in touch with vaccinators within their charge and ascertain exactly what each vaccinator is accomplishing. The services of intelligent officials, specially tahsildars, and if possible, also of members of local bodies should be enlisted in the work of showing people the advantages of vaccination and the protection given from disease.

When officers of the district staff are on tour in the neighbourhood of villages visited by vaccinators they should, when opportunity offers, obtain the village vaccination register from the village chowkidar and verify the details entered and the number of successful operations observed.

792. The duties of district officers in respect of epidemics are given in paragraphs 23 to 25, 61, 63, 78 and 84 of Chapter XV of the U. P. Public Health Manual, and officers should know and act promptly in accordance with their responsibilities under those paragraphs.

793. Instructions regarding the management of fairs are contained in Chapter XVI of the above-mentioned Manual and District Magistrates should see that the duties placed on them by paragraphs 3, 8, 9 and 35 of that chapter are fulfilled. 2048 to 2077

794. (1) Rules regarding registration are contained in "The Births, Deaths and Marriages Registration Manual". 2078 to 2087

A list of ministers authorised under the Christian Marriage Act of 1872 is given in Part II of the Civil List.

(2) Instructions regarding the registration and reporting of births and deaths in rural areas are given in rules 142, 143 and 144 of U. P. Panchayat Raj Act, 1947. Under rule 142, a panchayat has to

maintain a register of births and deaths for each village under its jurisdiction. Under rule 143, the head of the family and in his absence, any other member thereof, has to report birth or death occurring in his family within 3 days of the occurrence to the Secretary or President or Vice-President of Gaon Sabha concerned. Defaulters are liable to prosecution by the Panchayati Adalat which can impose a fine up to one rupee.

XVII—LEGISLATIVE DEPARTMENT
(*Blank*)

XVIII—INDUSTRIES DEPARTMENT

Chapter LXVI—Departmental Rules and Orders

796. The rules and orders of Government in the Industries Department are embodied in the Manual issued by that department. Attention is drawn to Part IV of that Manual relating to Stores Purchase and in particular to the General Instructions in that Part, and to Appendix IX containing the U.P. Stores Purchase Rules. The latter rules are also reproduced in Appendix XVIII of the Financial Handbook, Volume V, Part I. Officers purchasing stores must read and comply with those instructions.

Old paras.
2447 to 2469

797. The orders of Government relating to the printing and supply of stationery are contained in the Printing and Stationery Manual and a copy of which should be available in every departmental office.

1667 to 1670
1692 to 1714
2399 to 2443

The attention of officers is drawn to—

(a) the provisions governing demands for printing and stationery and particularly those dealing with indents for forms and stationery in paragraphs 36 to 40 and paragraphs 68 to 73,

(b) instructions for the checking and inspection of forms in paragraphs 44 and 45,

(c) the limitations on the printing of publications in paragraphs 23 and 24.

Officers must see that economy is exercised in the use of forms and stationery and that every effort is made to prevent waste, and

(d) instructions for the printing at local presses and payment of bills to local presses in paragraphs 12 to 14.

798. The Mineral Concession Rules, 1949, have been issued by the Government of India under the Mines and Minerals (Regulation and Development) Act, 1948. The Administrative Department of the State Government in respect of these rules is the Industries Department who have issued the following orders in G.O. no. 151WP/XVIII-W325-49, dated February 7, 1950.

2312 to 2317
G. O. no.
151WP/
XVIII—
W325/49,
dated
February 7,
1950. and
G. O. no.
36121-WP/
XVIII—
W325—49,
dated July
12, 1951.

(a) All District Magistrates in the State have been appointed Receiving Officers in respect of applications for prospecting licences or mining leases.

NOTE—Applications for prospecting licences and for mining leases in respect of reserved forests will be received by District Magistrates who will consult the Forest Officer concerned before forwarding such applications to Government for sanction.

(b) On receipt of applications for prospecting licences and mining leases, District Magistrates shall note thereon the date and time of their receipt and shall give to the applicant an acknowledgment stating the date and time of receipt as prescribed by rules 16 and 31 of the above rules. They will also maintain registers for prospecting licences and mining leases as in rules 20 to 33 *ibid* and forward the particulars to Government in order that a consolidated register may be maintained at headquarters.

(c) Under G. O. no. 511/XVIII—W -582-52, dated March 8, 1952, all the District Magistrates in the State have been appointed "Receiving Officers" in respect of applications for "Certificates of Approval" as prescribed under rule 7, but the application should be referred to Government for sanction.

799. The State Government have issued the U. P. Sugar Factories Control Rules under the U. P. Sugar Factories Control Act, 1938 :

The rules—

(a) specify the constitution and functions of the Sugar Commission, Advisory and Technical Committees and the Sugar Control Board,

(b) provide for the establishment of Cane Development Councils and for the appointment of Sugarcane Inspectors, and

(c) contain directions regarding the purchasing and crushing of cane and for collection of the sugarcane cess.

Collectors and revenue sub-divisional officers should acquaint themselves with their duties under the Act and Rules.

Old para.
1742.

800. The list of employees for whom summer uniforms, liveries and blankets are sanctioned is given in Appendix 35.

Supply of summer uniforms, liveries and blankets.

Chapter LXVII—Maintenance of Stock-books

801. The following rules are promulgated to govern the maintenance of inventories of Government property (excluding landed property and building) in all Government and semi-Government offices and institutions and are subject to the general rules contained in paragraphs 256—259 of the Financial Handbook, Volume V, Part I. They apply to all offices and departments, but are not intended to replace the detailed rules on the subject and the forms prescribed thereunder which exist in the Agriculture, Industries, Excise, Opium, Forests, Jails, Public Works (Buildings and Roads and Irrigation Branches) Departments, or are prescribed in the Printing and Stationery, the Court of Wards, the Stamp, the Opium, and the Resource Manuals :

Old paras.
2470 to 2476

Maintenance of Stock-books.

Rule 1—A stock-book of Government property shall be maintained in every Government office and institution including semi-Government offices and institutions.

NOTE—The word “office” in these rules should be interpreted to mean every office, which has a separate provision for the purchase of articles required for Government use, whether it is situated in an independent building or even in common with any office in the same building. For instance, a subordinate judge’s court shall be deemed to be a separate office, as it is independent of the office of the district judge. On the other hand, courts of deputy collectors will not be considered to be separate offices, as they are part of the Collector’s Office and have no separate provision for the purchase of articles required for Government use. All articles purchased out of the allotment sanctioned for an office should be entered in the stock-book maintained by that office, irrespective of the fact whether the articles purchased are meant for use in the Head Office or in one of its subordinate offices. It will be sufficient for subordinate offices to maintain an up-to-date list of articles received by them for their use. This list will facilitate the periodical verification prescribed by rules 10 and 11 of these rules.

Rule 2—Separate stock-books shall be maintained for—

(a) dead-stock, viz., furniture, plant and machinery and other fixtures,

(b) live-stock and consumable and perishable stores.

Rule 3—(1) Stock-books of dead stock shall be maintained in the form given in Appendix 36 in the manner explained in the instructions appended to the form.

(2) Stock-books of live-stock and consumable and perishable stores may be maintained in the same form with such modifications and adaptations as may be necessary to suit requirements.

Rule 4—(1) The initial purchase of every article shall be mentioned in the stock-book.

(2) Fully priced stock-books must be maintained, and a periodical re-valuation of each article carried out and entered therein in a separate column added to the form for the purpose, only in cases where—

- (a) the property is intended for a Government commercial undertaking, or
- (b) it is desired to distribute the cost over works, or
- (c) a charge is to be levied on private persons or bodies.

The values so recorded should not be materially in excess of the market value.

Note—For the purpose of this rule the market value of an article may be taken to be the value according to the rates contracted for by the Stores Purchase Department for that year for that article or for an article of a similar description. If the Stores Purchase Department has not entered into contract for that article, the market value will be the price of the article or one of a similar description at which it can be procured in the nearest important market centre. The value should be inclusive of carriage and incidental charges, and reasonable allowance should be made for wastage, breakage and depreciation.

Rule 5—Stock-books should ordinarily be maintained at or near the site of the property concerned. The head of the office may at his discretion allow a departure from this general principle for special reasons and may also direct the maintenance of additional consolidated stock-books.

Rule 6—(1) Transactions must be recorded in the stock-book, as soon as they occur.

(2) The ministerial head of the office should verify at the end of every month with reference to the contingent register and inventories of articles received from other offices (if any) that all purchases made and articles received from other offices during the month have been duly recorded in the stock-book.

Rule 7—To fix the identity of the articles and for purposes of verification, every article should, if practicable, be marked with a number or a suitable label, and a corresponding mark or number shown against the respective entry in the stock-book.

Rule 8—A distribution list of Government property, especially of furniture, should be maintained to show its distribution amongst the various officers and sections of the office. An up-to-date list of the furniture and other Government property allotted to each office or room should be kept hung up in that office or room to enable a check with the actual stock or furniture at the time of annual verification.

Rule 9—(1) Articles must not be held in excess of the requirements of a reasonable period.

(2) Perishable and consumable stores that have remained unutilized in stock for over a year should ordinarily be considered to be surplus, unless the head of the office considers it desirable to treat them as otherwise.

(3) The officer incharge should make a report of surplus articles to the competent authority, classifying them as either serviceable or obsolete. That authority will issue orders as regards (i) the further retention or distribution to subordinate offices, or sale of articles which are serviceable, (ii) the condemnation and sale of obsolete articles, and (iii) the write-off of their value when required.

(4) All losses must be duly recorded immediately as they occur or are brought to light, and formal sanction of competent authority taken.

Rule 10— (1) The gazetted officer in charge of the office should carry out periodical inspections at least six monthly in the case of perishable and consumable stores and once a year in the case of other articles, unless special reasons justify a departure from this rule.

(2) He shall verify the articles with the book-balances and sign a certificate on the stock-book of having done so.

He shall also check whether the ministerial head of the office has carried out monthly verification prescribed by rule 6(2).

NOTE—In making this verification the officer may take help from some official or officials, provided that the verification is not entrusted to a low-paid subordinate or to a person—

(i) who is the custodian, the ledger-keeper, or the accountant of the stock and stores to be verified or is a nominee of or is employed under the custodian, the ledger-keeper, or the accountant, or

(ii) who is not conversant with the qualification, nomenclature and technique of the particular class of stores to be verified.

(3) He shall carry out this verification in the presence of the official responsible for the custody of the Government property, or a responsible subordinate deputed by him.

(4) He shall immediately bring to account all discrepancies noticed and make necessary corrections.

(5) He shall have a statement prepared of all losses and disposals of property, of shortages and damages as well as of unserviceable articles to be condemned, and submit the same to the authority competent to write-off the loss or order the condemnation. Serious losses or shortages as well as any matter requiring general orders should be brought to the notice of Government.

(6) All important losses may be analysed as (a) due to depreciation and (b) otherwise, and should be grouped under the following heads:

(a) Losses due to depreciation accordingly as they are due to (i) normal fluctuation of market prices, (ii) wear and tear, (iii) lack of foresight in regulating purchases, and (iv) neglect after purchase.

(b) Losses not due to depreciation accordingly as they are due to (i) theft, (ii) neglect, (iii) act of God, or are (iv) anticipated losses on account of surplusage of obsolete stores or of purchases in excess of requirements.

*Rule 11—*Subordinate officers should carry out annual verifications in a similar manner and forward their certificates of verification to their superior officers for their information.

NOTE—The following list which is only illustrative gives the designation of some of the subordinate officers with their corresponding superior officers :

*Subordinate Officer**Superior Officer***Revenue Department**

Tahsildars, Honorary Magistrates, Honorary Assistant Collectors, Manager or Assistant in charge of Government Estates.

District Officer.

Sub-Divisional Officer whose headquarters are away from Sadar.

Ditto.

Wasika Officer, Lucknow

Commissioner, Lucknow Division.

Superintendent, Stone Mahal, Mirzapur.

District Officer, Mirzapur.

Land Records Department

Principal, Kanungo Training School, Hardoi.

Land Reforms Commissioner.

Medical Department

Civil Surgeons, Superintendents of Hospitals, Principals of Medical Colleges, the Chemical Examiner to Government.

Director of Medical and Health Services.

Judicial Department

Additional Judges, Sessions and Subordinate Judges, Subordinate Judges, Small Cause Court Judges, Munsifs and Honorary Munsifs.

District Judges.

Police Department

Officers in charge of Police Stations.

Superintendent of Police.

Agriculture Department

Superintendents or Overseers in charge of agricultural farms or godowns.

Deputy Director of Agriculture.

Education Department

Head Masters, Principals, or Head Mistresses of Government Schools and Colleges.

Inspector or Inspectress of Schools.

Subordinate Officer

Superior Officer

Public Health Department

District Medical Officers of Health Assistant Director of Public Health.

Registration Department

Sub-Registrars .. District Registrars.

Industries Department

Heads of Government Industrial Deputy Director of Industries
and Technical Institutions including in charge of Institutions.
the Harcourt Butler Technological
Institute, Kanpur.

Rule 12—(1) Superior officers at the time of their own periodical inspection of the offices should scrutinize the stock-book and check some of the valuable articles.

(2) The Chief Inspector of Offices and his staff will, during the course of their inspections, pay special attention to the examination of the stock-books maintained in offices. They may see that all new purchases have been brought on the stock-book and have been checked by the ministerial head of the office as required in rule 6 (2) and that the annual verification has been duly made as required in rule 10.

Chapter LXVIII—Supply of Books, Newspapers and other Publications

A—Purchase of books and publications

Old paras.
1697

802. (1) Allotments are made annually for the purchase of books, newspapers or other periodical publications, whether published in or outside India, to Heads of Departments and District Judges and may be made from time to time to such other officers as Government may determine. Requirements will be met in the case of Munsifs and Civil Judges by District Judges, and in the case of other subordinate officers by the Head of the Department in which they are serving.

NOTE--At present the only other officers are the Principal, Medical College, Agra, the Chemical Examiner to Government, Agra, Superintendents of Police in the districts, the D. I. G. of Police, C. I. D. and the Principal, Police Training College, Moradabad.

(2) The cost of books, newspapers and other publications required for the use of Commissioners and District Officers will be charged to the appropriate head in the State Budget and instructions will be issued when required as to the amount to which expenditure in each office should ordinarily be limited.

(3) Any books, newspapers, periodicals or other publications required by District Officers may be purchased by them provided that the cost can be met from the amount to which they are authorised to incur expenditure in accordance with sub-para. (2) above.

(4) No Government servant may, without previously obtaining an extra appropriation, incur expenditure in excess of the amount, placed at his disposal for purchase of books, etc., and when a Government servant exceeds the allotment, he will be held personally responsible for the excess. In this connection, attention is invited to para. 158 of the Financial Handbook, Volume V, Part I.

1698

803. Within the limits prescribed in the preceding paragraphs **Arrangements for purchase.** officers to whom allotments are made are authorised to make their own arrangements direct with agents or publishers for the supply of such books, newspapers or periodicals as may be required in the interest of the public service either in their own offices or for their subordinates with the exception of the officers specified in the Note to para. 802(1) above. They may also distribute to their subordinates any portion of their allotment, but for the purpose only of purchasing books published within their own districts. Commissioners may not, however, divert to District Officers any portion of the funds provided for the purchase of books and other publications in divisional offices.

1622 to 1625

804. For officers authorised to purchase books and publications reference may be made to the list of delegation of financial powers in Statement I in Part II of the Financial Handbook, Volume I.

SUPPLY OF BOOKS, NEWSPAPERS AND OTHER PUBLICATIONS 345

805. The character of the books to be purchased is left to the discretion of the officers concerned, but the following general principles should be borne in mind : Old paras.
1609

Nature of books to be purchased.

(a) Manuals, practical guides and the like are necessary mainly for the use of officers charged *inter alia* with important deliberative duties or with the duty of advising the Government on special subjects, and should seldom, if ever, be purchased for executive officers.

(b) Commentaries and annotated editions should be sparingly purchased. The Government cannot undertake to supply such works for the separate use of all its officers, but they are necessary in civil courts, and in the offices of Collectors also it is desirable that a copy of some of the commentaries in most general use should be kept for reference. Further purchases should be restricted to works of established reputation.

(c) Directories and works of a cognate character should be allowed only in special circumstances when there is evident inconvenience to the public service if they are not at hand for reference.

806. In the purchase of periodicals and newspapers the following principles should be observed : 1610

Purchase of periodicals and newspapers.

(a) District Officers should be supplied with copies of all newspapers published in their districts and, if considered necessary, with copies of newspapers published in adjoining districts.

(b) Newspapers required for the use of the Criminal Investigation Department will be obtained under the orders of the Deputy Inspector General of Police in charge of that department.

(c) Heads of departments should purchase such technical publications as may be useful in their work as freely as the grants allow. It is suggested that such publications can be circulated among the subordinate officers of the department, and it is only in exceptional cases that a separate supply will be required for their use.

807. For the supply of official publications published abroad application should be made to the State Government. 1614

Foreign publications.

808. All books and periodicals procured for any office should be registered and filed and must not be permanently removed from the office for which they were indented. 1620

Record of books and periodicals.

B—Supply of books by Superintendent, Printing and Stationery

809. Copies of official publications such as Civil Lists, the Codes of the Finance or Public Works Department, etc., and all Acts of the Legislature are on first issue distributed to officers in accordance with the standard distribution list. 1611

Acts of Legislature and official publications.

ance with the standard distribution list.

Old paras.
1612

810. (1) If the number of copies of an Act required by a Head of a Department, Commissioner or District Judge or any other officer, to whom the power has been delegated under paragraph 802, for himself or his subordinates, is largely in excess of that provided in the general distribution list, he should communicate his requirements (and not otherwise) on the first appearance of a Bill in the *Government Gazette*, to the Superintendent, Government Press, Allahabad. Should it be necessary, owing to delay in forwarding the indent, to re-set the type in any case, the department in question will be liable to have the cost of the second edition charged against its press allotment for the year.

(2) It is considered advisable that there should be in every district at least one copy of each Act in force in the State, whether of general or local application (beside the copies that are contained in the *Gazette*). These copies will be bound up in yearly volumes and kept for the use of the district staff.

1613

811. If subsequent to the first distribution copies of any publications are required to replace those that have been lost or worn out, the office concerned should apply to Head of his Department or the District Judge, as the case may be, and the latter will refer the matter to Government in the administrative department. The department concerned will obtain the concurrence of the department responsible for the publication. The sanction of the Industries Department is also necessary.

1617

812. In the case of official publications the cost of which is charged to Central or State Revenues no payment is required except in the following cases :

(a) The Postal Guide, the Government Telegraph Gazette and the Telegraphy Guide must be obtained from the Post Office and the Telegraph Department respectively on cash payment.

(b) Publications, which though issued under the authority of Government are published by a private press, are paid for by the Superintendent, Printing and Stationery, on bills submitted.

1627

813. (1) Maps published by the Survey of India can be obtained from the Director, Map Publication, Survey of India, Hathibarkala, Dehra Dun (Telegrams: SURPUR) or from any of the Survey of India Offices listed below :

(i) Director, Eastern Circle, Survey of India, Shillong (Telegrams: SUREAST).

(ii) Director, Eastern Circle, Survey of India, 13, Wood Street, Calcutta--16 (Telegrams: SUREAST).

(iii) Director, Southern Circle, Survey of India, Bangalore (Telegrams : SURSOUTH).

(iv) The Head Clerk, Map Sales Section, Survey of India, Room no. 348, Block no. 9, Old Supply Department Building, Shahjahan Road, New Delhi.

(2) Maps may be ordered by letter or telegram, no special order form being necessary though the form of indent no. 0-57 may be found useful. This form will be supplied gratis, on application, by the Director, Map Publication, Survey of India, Hathibarkala, Dehra Dun. When ordering maps by telegram, a post copy of the telegram should invariably be sent in confirmation to obviate mistakes.

(3) Maps of certain areas, particularly along the frontiers of India published by the Survey of India, are classified as "Restricted". The limits of these areas vary from time to time for various reasons. Indentors will be informed by the Survey of India Offices if any particular map required by them is "Restricted". Applications for such maps for official purposes should be made on the prescribed form 0-57a obtainable (gratis) from the Director, Map Publication, Survey of India, Dehra Dun and maps will only be supplied on fulfilling the terms and conditions noted on the indent form.

(4) Cost of supply of maps made to Government Department may be adjusted by book transfer (*vide* Rule 316 of Treasury Rules, Volume 1); but when the adjustment of the account by book transfer is not feasible a settlement of the account may be made in cash.

XIX—INFORMATION DEPARTMENT

Chapter LXIX—Statement of Newspapers and Periodicals

814. At the instance of the Government of India, the State Government has decided that the Statement of Newspapers and Periodicals published in Uttar Pradesh will be published annually. The annual statement will be prepared as in the undernoted form and in the remarks column information as indicated in G. O. no. A-5464(a)/XIX—250-51, dated December 11, 1951, should be given. In order to expedite preparation of the statement District Magistrates should at the end of each year, submit the annual statement for their districts to the Information Department of Uttar Pradesh by the 15th January.

G.O.No.A-
5464(a)/XIX
— 250-1951,
dated
December
11, 1951.

Statement of Newspapers and Periodicals published in Uttar Pradesh during the year.....

[illegible]

Chapter LXX—Publication of Official Information and Advertisements

A—Publication of official information

815. A Directorate of Information has been created under a Director so that Government may be kept in touch with what appears in the press and to see that news items and comments issued to the press are based on accurate facts. To this end it is essential that the Director should himself be up to date with facts and hence the following directions should be complied with by all Heads of Departments and District Magistrates:

G.O. no. A-4058/XXV/CX, dated November 30, 1946.

(a) Whenever there is any important occurrence the District Magistrate concerned should, when submitting his special report to the Chief Secretary, send a copy to the Director. If the District Magistrate has already given any communication to the press himself the fact must be mentioned.

(b) On seeing any incorrect or exaggerated news item in the press a report of the correct facts should be sent to the Director as soon as possible.

(c) Whenever the Director requires any information either by post, telegraph or telephone, it should be supplied to him as soon as it be possible to do so.

(d) Whenever an officer has occasion to contact representatives of the press with a view to issuing a press communication, information should be given to the Director accordingly.

816. (1) In the interest of economy and efficiency ordinarily all matters intended by Government departments for publication in the press should be promptly passed on by the Secretary to Government concerned to the Information Directorate which has been specially designed for the purpose of disseminating news and information on behalf of Government. In releasing reports or important resolutions to the press the Directorate may, if necessary, even arrange for a press conference.

U.O. no. C-2043-XXV/CX-214-CJ-48, dated November, 30, 1948, and O.M. no. 339/NIX-366/1948, dated April 19, 1949.

(2) As Secretaries may sometimes find themselves in difficulty in dealing directly with the press it is ordered that in no case should any thing be divulged to the press except under the positive instruction of the Minister concerned.

817. (1) Government attach great importance to the need of contradicting incorrect news items and comments in the press which give either inaccurate or a misleading version of facts so as to convey a wrong impression. Heads of Departments and District Officers should, therefore, give personal attention to the news published in the press regarding affairs concerning their departments or districts and maintain as close contact as possible with the representatives of the

G.O. no. A-4058/XXV/CX, dated October 11, 1946 and G.O. no. A-4058/XXV/CX, dated November 30, 1946.

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press : if any incorrect or misleading statements occur they should give immediate intimation to the correspondent concerned and a copy should at the same time be endorsed to the Information Directorate in the Information Department of the State Government. If in any case it is not possible to contact the representative of the press in order to have the correct news published then immediate information regarding the incorrect items should be sent to Government in the department concerned, together with a report of the actual facts and a draft correction. Government will then decide whether or not corrective action is necessary.

B—Government advertisements

G.O. no.B-
8512/XIX-
34/946,
dated June
25, 1948
and
G.O. no.
2501/XIX-
34/1946,
dated
September
4, 1951.

818. (1) All Government advertisements intended for release to the press should be forwarded to the Director of Information who will arrange for their publication. To this end the following instructions are given:

(a) Advertisements should ordinarily and mainly be prepared and published in Hindi written in the Devanagiri script. In exceptional cases, however, where the nature of the advertisement would justify its publication as an alternative, either in English or Urdu, or, in addition to Hindi, in English and/or Urdu, those languages might be utilized for such advertisements. Precisely what cases should be treated as exceptional would be a matter largely for the discretion of the issuing authority and the Director of Information after considering the special circumstances of each case: for example, (i) an advertisement calling for applications for the post of an Urdu or Persian teacher might well issue in Urdu, or (ii) a tender notice calling for tenders from engineering firms for the supply of Public Works Department stores might well issue also in English.

(b) As regards the papers in which notices originated in Hindi should be published, it is obvious that they should be published in Hindi newspapers and periodicals. Where there is no difficulty about their publication in Hindi itself, and publication is considered desirable in English and or Urdu papers, there is no objection to the notices being published even in Hindi in those papers. But where any such difficulty is felt and publication in English and /or Urdu papers is considered essential, there will be no objection to a translation of the original advertisement being published in the appropriate language in those papers.

(c) The Director of Information will, subject to the general or special instructions of Government, distribute the advertisements among those papers which are eligible. In taking any decision deviating from the ordinary policy the Director will briefly record his opinion, justifying the publication of a particular advertisement in a language other than Hindi or in addition to Hindi. The mere fact that it is considered desirable to publish advertisement in English or in Urdu will not by itself

be a sufficient ground for excluding its publication in Hindi. This will depend on the nature of each case and will be decided by the Director of Information on merits. For instance, in the second example in (a) above, the tender notice might also be published in Hindi papers as well.

(d) Government advertisements and tender notices, etc., should be given only to those newspapers, whether published in English or in an Indian language, which have a minimum paid for circulation of 1,000 copies.

(2) Government officers should bear in mind the policy explained above in sending advertisements to the Director of Information for release to the press. Advertisements should be sent in Hindi, but it will facilitate the work of the authorities seeking publication of advertisements as well as of the Director of Information if it is also noted whether there are special circumstances requiring publication of the notice in a language other than Hindi and in that case a translation in the other language should also be sent simultaneously to the Director.

(3) The above instructions apply also to tender notices and other similar matter issued on behalf of Government for publication in English papers or periodicals.

819. Substantial economy can be effected in advertisements if special care is taken in drafting advertisements judiciously. The cost of an advertisement is assessed on the basis of the space

G.O.no.
3308/XIX,
dated
August 30,
1960.

Drafting of advertisements.

which it occupies in newspapers and much wastage can be avoided if the advertisement is drafted with such brevity as to occupy the minimum possible space. To this end care should be taken to use the minimum number of words in conveying what should be said and though it is not possible to lay down any hard and fast rules for the drafting of advertisements yet the following broad principles should be remembered :

- (a) Articles should be avoided as far as possible.
- (b) Sentences need not be grammatically complete ; they may be reduced to phrases but without affecting the sense.
- (c) Paragraphing should be avoided as far as possible.
- (d) There should be no repetition except where emphasis is essential.

820. All Departments of the Secretariat, Heads of Departments

Statement of Government advertisements.

and other Principal Heads of Offices should maintain a statement in the form given below and a copy of which should be forwarded to Government in the Information Department at the end of each quarter for information and record. The statement should reach Government in the first week of the month following the quarter. In case no advertisement has been issued during the quarter a blank report may be furnished.

G.O.no.
2839/XIX.
34/1946,
dated
January 3,
1950.
O.M.no.A-
5443/XIX-
19/1951,
dated March
28, 1952.

FORM

[illegible]

C—Distribution of court notices and summonses to newspapers

821. (1) The following instructions are given for the distribution of court notices and summonses, etc., to newspapers and are for strict compliance :

Instructions regarding distribution.

G.O. no. 7318/XIX—190/1946, dated December 12, 1946; G.O. no. 3939/XIX—190/1946, dated October 31, 1950; G. O. no. 2527/XIX—190/1946, dated June 23, 1951; G. O. no. 429/XIX—190/1946, dated January 27, 1951 and G.O. no. 1315/XIX—190/1946, dated July 3, 1950.

(a) Court notices, summonses, etc., should be given to those newspapers only which have a minimum paid for circulation of 1,000 copies. This minimum circulation should be authenticated in the case of a paper of standing, by a certificate from an auditor, and in the case of a paper of local standing, by means of a sworn affidavit to be filed with the District Officer within a period of three weeks by the editor or manager of the paper concerned. If this affidavit is found to be false, suitable action under the law may be initiated against the person concerned; if, however, an affidavit is not filed in such cases then further court notices, etc., should not be issued to the paper or papers in question.

The above condition of a minimum circulation of 1,000 copies will not apply to officially published newspaper issued by Government, local bodies or panchayats. It is, however, necessary that court notices, etc., should be published only in such papers as are reasonably expected to reach the persons for whom they are intended.

(b) Court notices, summonses, etc., should not be given to a newspaper—

(i) unless it is published daily, bi-weekly or weekly and in no case should notices, etc., be issued for publication to monthly or fortnightly papers;

(ii) unless it had been in existence for at least six months;

(iii) if it appears very irregularly. A newspaper which is not published for a month at a time should be treated as very irregular and issue to it of court notices, etc., should be discontinued;

(iv) if it contains no reading matter except proceedings of local bodies or court notices and similar matter;

(c) Local papers should receive preference in receiving court notices, etc., but in the absence of any suitable local paper such notices and summonses, etc., may be issued to outside papers with a large circulation.

(d) Court notices, summonses, etc., may only in very special circumstances be given to papers published from outside the State, e.g., where there are no local papers with the prescribed minimum circulation or any other special circumstances, which should be recorded in writing and the fact mentioned in the quarterly statement submitted to Government in accordance with paragraph 820 above.

(e) Subject to the above directions, court notices, etc., should be issued to newspapers by each court strictly by rotation

356 PUBLICATION OF OFFICIAL INFORMATION AND ADVERTISEMENTS

with due regard to the circulation of the paper concerned, and notices, etc., in an Indian Language should be issued to the local Indian Language papers as far as possible.

(2) Newspapers will be black-listed by Government only for publishing inflammatory matter likely to foment communal bitterness, violence or public disorder or for habitually indulging in the publication of scurrilous or obscene matter. In all such cases a severe warning should be issued by the District Magistrate in the first instance and if the warning goes unheeded a report stating the facts of the case, together with his recommendation should be submitted to the Director of Information, U. P. immediately for direction by Government whether the issue of court notices, summonses, etc., to that particular newspaper should or should not be continued. Newspapers will be black-listed for the issue of court notices, summonses, etc., only by and with the approval of Government.

Chapter LXXI—District Publicity

822. Under the Community Listening Scheme radio sets have been installed in some districts of U. P. for the benefit of the community and the rules and principles set out hereunder shall be followed in all such installations :

G.O. no.A-
178/XIX...
BS-551(47)-
48, dated
March 17,
1953.

(1) That the radio sets shall be used essentially for Community Listening purposes.

(2) That the radio sets shall be installed, primarily for the benefit of the public, only in public places like libraries, labour centres, clubs, development blocks, seed stores, Town Area Centres, Panchayatghars and District and Mandal Congress Offices, etc. In no case shall a set be installed at the residence of any individual, official or non-official, and sets shall mostly be installed in rural areas.

(3) That the radio sets will be loaned to those institutions only which make an unrefundable contribution of Rs.125 per set and are prepared (a) to execute an agreement in the appended form on stamped paper of the appropriate value and (b) also to incur all the recurring and maintenance charges including licence fee, repairs, replacement of defective parts, battery charging, etc.

(4) That the selected centre shall be accessible to the public and thus likely to attract big gatherings.

(5) That the care-taker shall guarantee the safety of the radio set and see that the set is worked regularly and methodically.

(6) That the radio set being the property of Government, the institution or the care-taker concerned shall take out, at its or his own cost, a Broadcast Receiver Licence in the name of the Director of Information before the issue of the radio set by the Directorate and also undertake to see that the licence is renewed at its or his own cost every year in proper time, failing which the radio set may be withdrawn.

(7) That the Director of Information will have the radio set repaired free of charge, provided the institution or care-taker sends it at its own cost to the Information Directorate at Lucknow or any service station which may be established by this Directorate at any other place, and pays the charges actually incurred in the replacement of parts.

(8) That the Director of Information shall have the right to withdraw a set if it is not used in accordance with the conditions prescribed above.

AGREEMENT

IN CONSIDERATION of the grant of loan by the Government of Uttar Pradesh in their Community Listening Scheme of a Radio Set No. _____ Model _____ on the terms and conditions contained in the Schedule hereto, I _____, son of _____, resident of village _____ police station _____ tahsil _____ district _____ hereby undertake and declare as follows :

1. That I have deposited in the Government Treasury at _____ under Head "XLVI—Miscellaneous—XLVI—C—Miscellaneous—Receipts of the Community Listening Scheme of the Information Directorate" paid to the District Information Officer, _____/Cashier, Information Directorate, Uttar Pradesh, a sum of rupees one hundred and twenty-five only (Rs.125) as non-refundable contribution for the loan of the said radio set.

2. That I shall abide by the terms and conditions of the said Scheme contained in the Schedule hereto.

3. That if I fail to abide by the said terms and conditions or any one of them, the Uttar Pradesh Government shall over and above the forfeiture of the aforesaid deposit, be at liberty to withdraw the said radio set and to recover such damages from me as may be considered reasonable by the said Government.

4. That I hold B. R. Licence no. _____ dated _____ in the name of the Director of Information, Uttar Pradesh, for the said radio set.

5. That I shall never claim ownership of the said radio set but shall always remain a Care-Taker thereof in terms of the conditions aforementioned.

The Schedule herein referred to

[Terms and conditions of the Scheme as mentioned in G. O. no. A-178/XIX-RS—551(47)-1948, dated March 17, 1953.]

Witness :

Signature of Care-Taker.

(1)

(2)

**XX AND XX-A—SECRETARIAT ADMINISTRATION
DEPARTMENT**

(See Secretariat Manual)

XXI—TRANSLATION DEPARTMENT

(Blank)

XXII—HOME (JAILS) DEPARTMENT

Chapter LXXII—Rules and Orders

A—Jail administration

Old
Chapters
XLIV
and XLV
and para.
1907.

823. The orders of Government regarding jails are embodied in the Jail Manual : all officers connected with district administration should be acquainted with the contents of that Manual and in particular attention is drawn to the following :

(a) The Acts affecting prison administration reproduced at the beginning of the Manual and in particular the Prisoners' Act of 1900.

(b) Instructions regarding release on probation in the U. P. Prisoners' Release on Probation Act, 1938, and the U. P. Prisoners' Release on Probation Rules in Appendix C.

(c) The rules for submission of petitions for clemency in paragraph 207.

(d) The rules framed under section 59 (17) of the Prisons Act, 1894, for the classification and separation of prisoners contained in Chapter XII.

(e) Rules and instructions regarding juvenile and youthful offenders given in Chapter XV.

(f) Rules in connection with petitions for mercy in paragraph 384.

(g) Orders relating to execution of death sentences in paragraphs 392 to 409. The attendance of the District Magistrate or his deputy is necessary at every execution as required by paragraph 400.

(h) Paragraphs 411, 411-A, 425, 439, 445 and 448 in Chapter XVIII relating to undertrial prisoners.

(i) The functions of the District Magistrate in respect of jail administration specified in Chapter XXXVI. This chapter contains paragraphs 951 to 960 and magistrates should know every one of those paragraphs and their responsibility thereunder. Paragraph 952 requires the District Magistrate to visit the district jail at least once a month and this duty must be performed by the District Magistrate or the Additional District Magistrate *personally* and may not be delegated to subordinate magistrates. Where Sub-Divisional Magistrates are required to visit the district jail under the orders of Government those visits will be in addition to those made by the District Magistrate.

B—Supplementary Orders

G. O. no.
5050/XXII
—1857-1942,
dated
November
4, 1942.

824. Undertrial prisoners should leave the courts in ample time to reach the jail before locking-up time which is 4.30 p.m. in winter and 5.30 p.m. in summer. District Magistrates should see that under trials are not detained by the courts up to a late hour which does not permit their return to the jail within locking-up time.

G. O. no.
2897/XXII
—1559-45,
dated
November
10, 1945.

825. District Magistrates should render all assistance possible to the local branches of the Discharged Prisoners' Aid Society which are engaged in promoting the welfare and re-settlement of discharged prisoners. The Society has formed District Committees and their work should receive special consideration and sympathy from all officers of the district staff.

G. O. no.
2678(i)/
XXII—1326
-45, dated
September
19, 1945.

826. Except where the dependants of security prisoners receiving maintenance allowance ask to be paid direct, all such payments should be remitted by money order in all cases in which the recipients live outside headquarters so as to avoid inconvenience and expense. In making such payments the money order commission payable should be deducted.

Chapter LXXIII.—Instructions for Submission to the President of India of Memorials and Petitions for Pardon

A—Instructions

827. The following instructions are given for the submission of memorials and petitions praying for pardon to the President of India. These instructions do not apply to memorials or petitions submitted by, or on behalf of, convicts under sentence of death :

Memorials and petitions for pardon.

Government of India notification no. 40/30/51-Judl., dated January 16, 1952.

PART I

PRELIMINARY

(1) *Definitions*—In these instructions :

(a) “State Government” means, in relation to any Part C State and the Andaman and Nicobar Islands, the Chief Commissioner.

(b) “Memorial” means a memorial praying for pardon, addressed to the President and includes petitions, letters and applications of the nature of memorials.

(c) “Petition” means a petition praying for pardon, addressed to the President and includes memorials, letters and applications of the nature of petitions.

(d) “Pardon” means the grant, to any offender convicted in the exercise of its criminal jurisdiction by any Court in India and sentenced to punishment other than death, of a pardon either free or on conditions ; and includes a respite or remission of punishment.

PART II

FORM AND MANNER OF SUBMISSION OF MEMORIALS AND PETITIONS

(2) *Form of memorial or petition*—

(a) A memorial or petition may be either in manuscript or in print.

(b) Every memorial or petition shall be authenticated by the signature of the memorialist or the petitioner or, when the memorialists or petitioners are numerous, by the signatures of one or more of them.

(c) Every memorial or petition, and the documents accompanying it, shall, if possible, be in English.

(3) *Contents of memorial or petition*—Every memorial or petition shall—

(a) contain all material statements and arguments relied upon by the memorialist or petitioner ;

(b) be complete in itself ;

(c) be accompanied by copies of the judgments of the courts ; and

(d) end with a specific prayer.

366 INSTRUCTIONS FOR SUBMISSION TO THE PRESIDENT OF INDIA OF
MEMORIALS AND PETITIONS FOR PARDON

(4) *Method of submission*—Every memorial or petition shall be submitted through the State Government concerned, and shall be accompanied by a letter requesting the Chief Secretary to the State Government concerned to transmit the memorial or petition to the President.

PART III

WITHHOLDING OF MEMORIALS AND PETITIONS BY THE STATE
GOVERNMENT

(5) *Circumstances in which memorials or petitions may be withheld by the State Government*—The State Government may withhold a memorial or petition when—

(a) the memorialist or petitioner has not complied in full with the provisions of Part II of these instructions;

(b) the memorial or petition is illegible or unintelligible, or contains language which is, in the opinion of the State Government, disloyal, disrespectful or improper;

(c) a previous memorial or petition from the memorialist or petitioner on the same subject has been disposed of by the President, and the memorial or petition, in the opinion of the State Government, discloses no new facts or circumstances which afford grounds for a reconsideration of the subject, or

(d) the memorial or petition contains a prayer concerning a sentence or punishment (not being a sentence of death) for an offence in relation to a matter to which the executive power of the Central Government does not extend.

(6) *Memorialist or petitioner to be informed when memorial or petition is withheld*—When a memorial or petition is withheld under instruction 5, the State Government shall inform the memorialist or petitioner of the fact of such withholding along with the reason or reasons therefor.

(7) *List of memorials or petitions withheld*—The State Government shall send a quarterly return to the Secretary to the Government of India in the Ministry of Home Affairs specifying the brief details of all memorials or petitions withheld under instruction 5 and the reasons for withholding them.

PART IV

TRANSMISSION OF MEMORIALS AND PETITIONS BY STATE
GOVERNMENT

(8) *Procedure for transmission*—

(a) The State Government shall transmit to the Secretary to Government of India in the Ministry of Home Affairs all memorials or petitions not withheld under instruction 5 together with a concise statement of facts relevant thereto and an expression of the opinion of the State Government on the grounds urged in the memorial or petition.

INSTRUCTIONS FOR SUBMISSION TO THE PRESIDENT OF INDIA 367
OF MEMORIALS AND PETITIONS FOR PARDON

(b) Where the memorial, petition or any document accompanying them is not in English, the State Government shall, when transmitting it under this instruction, also forward an English translation thereof duly authenticated under the authority of the State Government.

B—Transmission of Memorials and Petitions by District Magistrates

828. (1) Where memorials or petitions for pardon under the above instructions are received by District Magistrates from, or on behalf of a convict, it should be forwarded to the State Government as soon as possible with the following documents :

G. O. no.
542/XXII
—1354-52
dated May
16, 1952.

(a) copies of judgment in the case ;

(b) a concise statement of facts relating to the case ;

(c) a report from the Superintendent of the Jail concerned on the health and conduct of the prisoner as well as the period served by him including and excluding remissions.

These documents should be forwarded with the District Magistrate's own recommendation as to the advisability or otherwise of the convict's release. If the convict is not in jail, the jail report will be eliminated but the fact that he has not surrendered to his bail or is at large should be mentioned by the District Magistrate in his forwarding letter.

(2) If the memorial or petition is submitted by a prisoner from the Jail, the Superintendent of Jail should immediately send it to the District Magistrate with a Jail report as in para. (1) above and these documents should then be transmitted to the State Government with all other necessary papers and the District Magistrate's recommendation.

(3) In no circumstances should a memorial or petition for pardon addressed to the President of India be withheld by the District Magistrate or the Superintendent of Jail as power to withhold such memorials or petitions in certain circumstances vests solely in the State Government.

XXIII-PW—PUBLIC WORKS DEPARTMENT

Chapter LXXIV—Rules and Orders

829. The orders of Government in the Public Works Department are contained in the Manual of Orders of that Department published in three volumes. Volume I consists of the rules and orders, Volume II the Appendices and Volume III the forms in use in that Branch. Relations between Commissioners and District Magistrates and the Buildings and Roads Branch are set out in paragraphs 156 to 158 and District Officers should also be acquainted with the contents of Chapter V of that Manual.

830. For rules regarding electric installations in Government buildings, reference may be made to paragraph 277 of the Financial Handbook, Volume V, Part I, and paragraph 286 of Volume VI, as also to Appendix 20 in Volume II of the Manual of Orders of the Buildings and Roads Branch.

831. Construction of buildings and other structures in a manner which encroaches on road land not only results in traffic congestion and inconvenience to road users but also increases the risk of accident from motor vehicles by allowing direct access. Hence officers of the Public Works Department when inspecting their roads will be particularly careful to take prompt notice of any encroachment on road boundaries which will be immediately reported to the District Magistrate in whose district the encroachment has occurred. Thereafter responsibility for removing the encroachment rests with the civil authorities and pending other legislation recourse may be had to provision of Chapter X of the Code of Criminal Procedure or to a civil suit for demolition to effect removal of the encroachments made.

It is essential that encroachments should be detected and removed as soon as possible and hence the local revenue staff should be directed to ascertain and report encroachments which may come to their notice during their inspection. The supervisory staff should also be asked to verify during their inspections that this duty is being performed, and in every case detected, effective steps should be taken to prevent and remove encroachments on public roads by the judicious use of the provisions of the existing law. District Officers should see that this direction is heeded.

832. Local bodies are required to keep roads handed over to them by Government in good order and to maintain them at the same level as they were maintained by the Public Works Department or if possible to improve them further and in no case should roads be allowed to deteriorate. It is expected that local bodies will receive the co-operation of village

G. O. no.
573C/
197-C-1951,
dated
March 16,
1953.

G. O. no.
575C/
XXIII-A,
dated July
15, 1952.

panchayats and local people should be able to maintain and improve these roads at a cost much less than that spent by the Public Works Department ; hence it should be possible for them to save money for use on other roads and other useful purposes.

G. O. no.
13640/
XXIII—38.
R-51, dated
May 2,
1951.

833. Delay should not occur in the raising of debits against the railways in connection with the acquisition of land for railway purposes. This is necessary as budgets are framed on a yearly basis and if payments are not made quickly the funds provided will lapse. District Officers should, therefore, ensure that all such debits for acquisition of land for railways are invariably raised very promptly.

834. Provision for the governance and administration of waqfs Management of and supervision of mutawallis is contained in the U. P. Muslim Waqfs Act, 1936. These provisions are supplemented by the Shia Central Board of Waqfs Rules and the Sunni Central Board of Waqfs Rules, 1944, made under section 61 of that Act and which are published separately in booklet form.

XXIII-IW—IRRIGATION DEPARTMENT

Chapter LXXV—Canals and use of Waterways

835. For rules and orders concerning the Irrigation Department, reference should be made to the **Manual of Irrigation Manual.** Orders of that Department (Fourth edition), which is in two volumes. Volume I gives the departmental rules and instructions while Volume II contains revenue and legal matters and the Appendix. Paragraph 128 relates to liaison between Commissioners and Superintending Engineers of the Department while paragraph 127 prescribes the procedure to be followed as regards complaints connected with the administration of the Department and which should be known to Revenue Officers of the district staff. Rules for the guidance of Canal Magistrates are given in paragraphs 157 to 162 and canal revenue procedure in paragraphs 178 to 185 and 189. Under paragraph 185 the Collector is responsible for the realization of the rates assessed for canal irrigation.

836. Rules under the Inland Steam Vessels Act, 1917, as amended by the Inland Steam Vessels (Amendment) Act, 1951, have been issued by the State Government in notification no. 4191-W/XXIII—160-W-50, dated November 14, 1951, and are reproduced in Appendix 37.

XXIII-PA & PB—POWER DEPARTMENT

Chapter LXXVI—Electricity

837. The orders of Government regarding the Hydro-electric section of the Public Works Department are contained in the Manual of Orders of the P. W. D. (Hydro-electric) Manual. (Hydro-Electric) Irrigation Branch. This Manual deals with the administration and organisation of hydro-electric schemes, the duties of officers and staff employed in that Branch and reproduces the rules relating to those establishments. Among other matters it contains instructions regarding the execution of hydro-electric works and their maintenance and operation, which are primarily of departmental interest.

838. Electricity being on the concurrent list is subject to the concurrent jurisdiction of the Union and the State Legislatures. Under the existing laws the supply of electricity to the public is regulated by the Indian Electricity Act, 1910, the Indian Electricity Rules, 1937 and the Electricity (Supply) Act, 1948 ; while duty on electricity consumed is leviable under the U. P. Electricity (Duty) Act, 1952, and the Rules made thereunder. The administration of the Electricity Acts lies entirely with the State Government and Commissioners and District Magistrates should watch the working of electric supply undertakings as they are public utility concerns. They should bring to the notice of Government any act of an electric supply undertaking, which in their opinion is against public interest. In particular, the functions of District Magistrates are enumerated in sections 12, 18, 20, 30, 33, 50 and 54 of the Indian Electricity Act, 1910, and rules 48, 69 and 70 of the Indian Electricity Rules, 1937.

839. Under section 12 of the Indian Electricity Act, 1910, any support of an aerial line or any stay or strut required for the sole purpose of securing in position any support of an aerial line may be fixed on any building or land or, having been so fixed, may be altered, notwithstanding the objection of the owner or occupier of such building or land, if the District Magistrate by order, in writing, so directs and also determines the amount of compensation or annual rent or both, which should, in his opinion, be paid by the licensee to the owner or occupier. In many cases owners refuse to allow licensees to fix such stays or struts, etc., on their buildings on flimsy grounds. To avoid delays in the erection of mains or service lines, it is desirable that District Magistrates, when approached by the licensee, should take prompt action in dealing with such cases.

840. District Magistrates should see that electric supply lines, etc., are so erected as not to interfere with public traffic and the passage of religious processions.

Electric mains.

If they consider that any supply main erected by a licensee is likely to interfere with traffic or the passage of a religious procession, the matter should be settled in consultation with the Electric Inspector to Government.

841. Under section 18(1), *ibid.*, no electric supply licensee is empowered to place any aerial lines along or across any street, railway, tramway, canal or waterway until the Electric Inspector to Government (to whom powers have been delegated under this section) has communicated general approval, in writing, of the methods of construction proposed to be adopted by the licensee. As a rule, the Electric Inspector does not communicate his approval without consulting the District Magistrate.

842. Under section 18(3), *ibid.*, where any tree standing or lying near an aerial line or where any structure or other object which has been placed or has fallen near an aerial line subsequent to the placing of such line, interrupts or interferes with, or is likely to interrupt or to interfere with, the conveyance or transmission of energy or the accessibility of any works, it is desirable that the District Magistrate, when approached by the licensee or the Electric Inspector to Government, should take prompt action to have the tree, structure or object removed or otherwise dealt with as he thinks fit. Such action will assist the licensee to maintain an uninterrupted supply of electricity and will also minimise causes of electrical accidents which are often fatal and which arise from owners erecting temporary or permanent structures near overhead lines (which is dangerous) without proper sanction.

843. If the owner of a premises refuses entry the District Magistrate is empowered under section 20 to issue a special order authorizing the licensee or his accredited representative to enter premises to which energy is or has been supplied by him for the purpose of inspecting, testing or removing works belonging to him. To expedite work the District Magistrate should when necessary help the licensee by issuing such orders when approached by him.

Authorizing a licensee to enter a premises and remove his fittings or other apparatus.

844. Under section 30, *ibid.*, no person, other than a licensee, can transmit or use energy at a rate exceeding 250 watts without giving at least seven clear days' notice in writing to the District Magistrate. In order to avoid such installations being brought into commission without inspection by the Electric Inspector to Government, the District Magistrate should on receipt of such notices, obtain from the persons concerned, information relating to the installation in the form given in Appendix 38 and send it to the Electric Inspector so that he may make an inspection, if necessary.

Control of transmission and use of energy.

845. Under section 33, *ibid.*, notice of accidents resulting in death or disablement due to electric shock, is to be sent to the Electric Inspector to Government within 24 hours by telegram, telephone or special messenger by the licensee on whose works, or the owner in whose premises, the accident occurs. Such a report is also received by the District Magistrate or Sub-Divisional Magistrate under section 174(2) of the Criminal Procedure Code. In order to enable the Electric Inspector to decide whether further technical investigation should be carried out by him or his staff and whether a prosecution should be instituted under the Indian Electricity Act, 1910, and/or Indian Electricity Rules, 1937, in addition to any action required by the district authorities under the Indian Penal Code, copies of the report concerning such accidents received by the District or Sub-Divisional Magistrate under section 174(2) of the Criminal Procedure Code should be sent immediately to the Electric Inspector.

846. Under section 50 of the Indian Electricity Act, 1910, prosecutions are instituted at the instance of the State Government or the Electric Inspector to Government or any aggrieved person in respect of offences committed under the Indian Electricity Act and/or Rules or for infringement of the licence or orders made thereunder. It is desirable that District Magistrates should take speedy action when any such breach or infringement is so brought to notice.

847. The District Magistrates, when moved by application made by the Electric Inspector to Government to realise Government dues recoverable under the Indian Electricity Act and/or Rules, should take action forthwith to realise the amount outstanding from the persons concerned and if necessary by issue of distress warrants and by sale of any movable property belonging to the defaulting party as provided by section 54 of the Act.

848. Rule 48 of the Indian Electricity Rules, 1937, lays down that no electrical installation work shall be carried out in any premises except by an electrical contractor licensed by the State Government and under the direct supervision of a person holding a certificate of competency issued by the State Government. In the interest of public safety and to ensure compliance with this rule, it is necessary that when ever the Electric Inspector to Government brings to notice any case in which electrical installation work is being carried out or completed by unlicensed electrical contractors or by unauthorized workmen, the District Magistrate should take immediate steps to prosecute the offenders under rule 123 of the Indian Electricity Rules, 1937.

849. Rules 69 and 70, *ibid*, explain the procedure to be followed by electric supply licensees and the public in the erection of aerial lines or buildings, etc., close to electric supply lines. To protect persons and property against injury from contact with an aerial line local authorities when sanctioning an application for the construction of a building or structure, or addition to or alteration of an existing building or structure, close to electric supply lines, should impose a condition that the applicant must comply with the provisions of rule 70 of the Indian Electricity Rules, 1937.

Chapter LXXVII—Maintenance and Occupation of Circuit Houses

G. O. no.
3907(3)/III,
dated July
23, 1948

850. The Government Circuit House is a Public Works Department building and is in the direct charge of the Executive Engineer of the district concerned in respect of the grounds, the building and all its equipment. The granting of permission for occupation will, however, be under the control of the Collector of the district, who will be in general supervisory charge. Correspondence by the Public Works Department officers to higher authorities should be addressed through him in respect of the care of the building, its contents and grounds.

851. (a) These Circuit Houses are intended for the use of the President, the Rajyapal, Uttar Pradesh, and the head of any other State and the Members of Government when on tour. The following Civil and Military officers may occupy a house free of rent on due notice being sent to the Collector of the district, but they will be liable to be asked to vacate it if it is required by President, the Rajyapal or a Member of Government.

(b) An officer permitted to use the house may be accompanied by his secretary, personal assistant, or other staff travelling with him on duty :

A—Civil Officers

(a) Officers of the Uttar Pradesh Government :

- (1) The Hon'ble the Chief Justice and Judges of the High Court.
- (2) The Hon'ble the Chairman of the Legislative Council and the Hon'ble the Speaker of the Legislative Assembly.
- (3) Administrative Member of the Board of Revenue.
- (4) The Right Reverend the Bishop of Lucknow.
- (5) Commissioner of a division (in the case of Circuit Houses situated elsewhere than his headquarters).
- (6) All Parliamentary Secretaries to Government.
- (7) All Secretaries to Government.
- (8) All Heads of Departments.
- (9) Deputy Inspectors General of Police.

(b) (1) High Officers of the Government of India.

- (2) Post Master General, U. P. Circle.
- (3) Director of Telegraphs, U. P. Circle.
- (4) Controller of Emigrant Labour.

(c) Officers of other State Governments :

- (1) Honourable Ministers of other State Governments.
- (2) Income Tax Commissioner, Uttar Pradesh and Madhya Pradesh.
- (3) Collectors, Central Excise and Salt, North-Western India and North-Eastern India.

B—Military Officers

(1) The General Officers Commanding-in-Chief, Eastern and Southern Armies and Central Command.

(2) Officer Commanding, Lucknow District (in the case of circuit houses situated in his Command).

(3) Brigadiers, General Staff, Assistant Quartermasters General, Brigadier, Royal Artillery and Chief Engineers, Eastern Army and Central Command.

(4) Officers Commanding, Lucknow, Dehra Dun, Meerut, Allahabad and Bareilly Areas and Administrative Commandant, Jhansi (in the case of circuit houses situated in their respective areas).

(5) Controllers of Defence Accounts, Eastern Army and Central Command

(6) The Inspector, Indian Army Service Corps.

852. In exceptional cases, when gazetted officers are summoned on public duty from outside station or are placed by the State Government on special duty, which involves a visit to the station in which the circuit house stands, they may, for the period of duty, use such rooms as the Collector may allot for the purpose; provided that such an officer shall not have a right to the use of circuit house or any portion thereof in preference to the officers enumerated in paragraph 851.

853. Applications for accommodation in a circuit house may not be made more than one month before the date on which it is required. The Collector will allot accommodation to each applicant according to priority of application. If more than one application is received at the same time, preference will be given to the senior officer. During periods for which a circuit house is required by the Chief Justice of the High Court, or the Administrative Member of the Board of Revenue, the Collector shall not allot accommodation to other officers without the approval of these officers.

854. A circuit house may not be occupied by an officer for more than ten days at one time.

855. Officers stationed at places where circuit houses exist are absolutely prohibited from using them except with the express sanction of the Government.

856. (1) The table linen, cutlery, crockery, lamps, etc., are for the use of the officers occupying the house. The charge for the washing of the table and bed linen used by persons occupying Government Circuit House will be Re.1 per week for one person and Rs.2 per week for a party of two or more persons, if they use the linen. Breakages which occur during the occupation of the house by an officer should be reported by him to the Executive Engineer who will bring the matter to the notice of the Collector.

(2) A charge of Rs. 2 per day will be realized from all officers occupying a circuit house or any portion of it.

857. Levelling, where necessary, laying out, and fencing the grounds in the first instance, and providing a well or wells, will be carried out by the Public Works Department.

858. The Public Works Department will repair the building and out-houses and maintain the approach roads, the wells, the gates, walls and fences.

859. The charge for furniture is debitable to the Public Works Department. The Executive Engineer will correspond through the Collector to see that due provision is made to meet charges for replacements and renewals as necessity arises. The services of the Public Works Department staff will be available and any outlay incurred in connection therewith will be debited to the Public Works Department.

860. A register of the furniture, carpets, crockery, cutlery, table linen, etc., will be kept by the Executive Engineer showing (1) each article, (2) date of purchase and authority sanctioning the same, (3) cost, (4) condition on date of verification each half-year, (5) remarks.

861. The servants employed and paid by the Executive Engineer with the sanction of the Government are :

(a) On the building—

One bearer,
One khansama,
One chaukidar,
One sweeper.

(b) On the grounds—

Gardener,
Coolies.

862. The cost of the establishment and the charges for maintaining the garden will be provided by the Public Works Department and incorporated in the Public Works Department budget.

863. The Executive Engineer is responsible that the grounds are maintained in proper order. Beds of flowers should be laid out, trees and shrubs planted and lawns kept up, where possible, in the neighbourhood of the house. The Collector will be responsible for making inspections to see that the building and grounds are properly maintained.

864. The compound and servants' houses must be kept scrupulously clean; and inspected periodically to see that no screens of grass, matting, etc., are put up; that no unauthorized additions are made to the out-houses; that no outsiders live in the compound and that no goats or other animals are kept therein.

XXIV—ECCLESIASTICAL DEPARTMENT

(Abolished)

XXV.—CONFIDENTIAL DEPARTMENT

Chapter LXXVIII.—Confidential Orders

865. In addition to orders embodied in the Manual of Government Orders there are many instructions of a confidential nature which cannot be so included. Hence for the assistance of officers index lists of such orders of a permanent and semi-permanent nature have been prepared and issued by Government in the General Administration Department from time to time. In future these lists will be issued by the Confidential Department. A set of those orders together with the indices should be kept by the District Magistrate with his confidential records so as to be available for immediate reference.

866. District Officers should realize the importance of ensuring that confidential records are kept in proper order and responsibility for supervision and care of important secret records must not be relegated to any other person.

XXVI—HARIJAN SAHAYAK DEPARTMENT

Chapter LXXIX—Uplift of Scheduled Castes and Backward Classes

A—Organization

867. The State Legislature has enacted the U. P. Removal of Social Disabilities Act, 1947, which secures to the scheduled castes unrestricted enjoyment of their civil rights and to implement this Act Government have set up the following organization for the improvement and uplift of scheduled castes and backward classes as shown below :

868. A State Harijan Sahayak Board has been constituted with the following members:

G. O. no. 1598/XXVI
—47-48,
dated June 27, 1949 and
G.O. no. 2746/XXVI
—47-48,
dated October 25, 1952.

- | | |
|--|-----------------------|
| (1) The Minister for Education and Harijan Welfare | <i>Chairman.</i> |
| (2) The Minister for Public Works .. | <i>Vice-Chairman.</i> |
| (3) Parliamentary Secretary to the Minister for Education and Harijan Welfare. | } <i>Members.</i> |
| (4) Planning Secretary. | |
| (5) Director of Education. | |
| (6) to (12) Seven Scheduled Caste Members of Legislative Assembly. | |
| (13) to (15) Three Scheduled Caste Members of Parliament or Members of the Council of States from Uttar Pradesh. | |
| (16) One Member of the Legislative Council, Uttar Pradesh. | |
| (17) and (18) Two other representatives of Scheduled Castes. | |
| (19) to (23) Five other Members actively associated with Harijan and Backward Classes Uplift. | } <i>Secretary.</i> |
| (24) The Director, Harijan Welfare, U. P. .. | |

869. (1) The functions of the Board will be to work for the general welfare of Harijans and to advise Government on matters pertaining thereto. It will watch the interests of Harijans and recommend to Government the measures which it should adopt to promote their interests and to bring about the educational, social and economic uplift of the community. In particular, it will advise Government on the following aspects of Harijan uplift :

G. O. no. 1598/XXVI
—47-48,
dated June 27, 1949.

(a) Promoting the education of Harijans by giving financial assistance to schools, libraries and hostels where necessary and granting fee concessions to students and awarding them scholarships, stipends or non-recurring financial assistance.

(b) Securing the admission of Harijans in vocational and technical institutions and giving them financial assistance during the period of training.

(c) Improving the economic condition of the community by better organization of their indigenous occupations as also by promoting suitable cottage industries among them.

(d) Providing agricultural settlements for the landless Harijan agriculturists.

(e) Securing proper representation in the services for duly qualified members of the community.

(f) Securing, through the co-operation of Municipal and Development Boards, better living conditions for Harijans dwelling in towns and industrial areas.

(g) Implementing the provisions of the U. P. Removal of Social Disabilities Act, 1947, in order to secure social justice for Harijans.

(h) Establishing proper machinery to give effect to welfare schemes.

(2) It is also one of the functions of the Board to assist other classes who are educationally and economically backward so that their general standard of living may be raised. Hence the Board will also advise Government on measures for the educational and economic uplift of all backward classes.

G. O. no. 1598 XXVI-47-1948, dated June 27, 1949 and G. O. no. 1196/XXVI-44-1951, dated July 17, 1951.

870. A District Harijan Sahayak Sub-Committee has been formed in each district. It will function as a sub-committee of the District Planning Committee to co-ordinate the work relating to the welfare of Harijans and ex-criminal tribes in each district and will consist of the following members :

- | | | | |
|---|----|----|------------------|
| (1) District Magistrate | .. | .. | <i>Chairman.</i> |
| (2) Superintendent of Police | | | |
| (3) President of the District Board | | | |
| (4) Scheduled Caste Members of Legislative Assembly and Members of Legislative Council residing in the district. | | | |
| (5) District Inspector of Schools. | | | |
| (6) Probation Officer (wherever posted). | | | |
| (7) Secretary to the Prohibition Board or the Temperance Societies (as the case may be). | | | |
| (8) Members of the State Harijan Sahayak Board residing in the district (nominated in Government notification no. 2746/XXVI-47-48, dated October 25, 1952). | | | |
- } *Members.*

- | | | |
|---|---|-------------------------|
| (9) Two Scheduled Caste representatives of the District Board to be nominated by the District Board. | } | <i>Members.</i> |
| (10) One Scheduled Caste representative of the Municipal Board in the district to be nominated by the District Magistrate. | | |
| (11) Two other Scheduled Caste and other Backward Classes representatives to be nominated by the District Magistrate. | | |
| (12) Not more than two other persons interested in the welfare of the Scheduled Castes, Backward Classes and ex-Criminal Tribes to be nominated by the District Magistrate. | | |
| (13) District Planning Officer | | <i>Secretary.</i> |
| (14) Regional Harijan Welfare Officer | | <i>Joint Secretary.</i> |

(2) A meeting of the sub-committee will be held once in every quarter, but in emergency it may meet oftener.

(3) The sub-committees are authorised to co-opt when necessary for particular meetings, not more than two others connected with or interested in Harijan and ex-criminal tribes' welfare work.

871. The functions of the District Harijan Sahayak Sub-Committee are as follows :

Functions of the District Harijan Sahayak Sub-Committee.

(a) To work for the general welfare of the Harijans and backward classes and to advise the State Harijan Sahayak Board on matters pertaining thereto.

(b) To advise the Municipal Boards, Town Area Committees, Development Boards and District Boards to promote the welfare of scheduled castes and backward classes by—

(i) the grant of educational facilities to children of these classes in the form of fee concessions, award of stipends and scholarships and non-recurring assistance for the purchase of books, payment of examination fees, etc., etc;

(ii) providing for their vocational and technical education;

(iii) the construction of wells, tanks and roads in areas inhabited by Harijans;

(iv) implementing such provisions of the U. P. Removal of Social Disabilities Act, 1947, as lie within their jurisdiction;

(v) making suitable arrangements for the recreational, cultural and personal welfare of scheduled castes.

(c) To advise the Regional Harijan Welfare Officer, the District Panchayat Raj Officer, the District Inspector of Schools in the award of stipends, scholarships and miscellaneous non-recurring assistance to scheduled castes and backward classes.

(d) To adopt such measures for the welfare of these classes as may be approved by the Government from time to time.

872. (1) There will be a State Harijan Sahayak Officer at the headquarters of Government who will co-ordinate the activities undertaken by the various departments of the Government for the welfare of Harijans and backward classes and implement the schemes approved by the State Harijan Sahayak Board and Government.

(2) There will be a Regional Harijan Welfare Officer in each of the five regions of the State. Appointment to these posts will be made by Government in consultation with the Public Service Commission. It is the duty of the Regional Harijan Welfare Officer to supervise Harijan and backward class activities in his region.

(3) A District Supervisor for Harijan Welfare is appointed for each district. He will act as Liaison Officer between different departments undertaking schemes for the welfare of the scheduled castes and the backward classes in the district. He will also be the supervisor for depressed class education and such other duties as are assigned to him by the Director of Harijan Welfare, U. P. He will in particular be responsible to secure the co-operation of the non-official element in the district and to promote the various welfare schemes for the uplift of scheduled castes and backward classes. The Harijan Welfare Supervisors as also the Scheduled Castes Education Supervisors are placed under the District Panchayat Raj Officer and are attached to his office.

B—Scheduled Castes

G. O. no.
6726/III—
15(15)—
1949, dated
September
12, 1950.

873. In exercise of powers conferred by clause (1) of Article 341 of the Constitution, the President has made Declaration of Scheduled Castes. C. O. 19, the Constitution (Scheduled Castes) Order, 1950, by which the following castes, races or tribes, or parts of, or groups within, castes or tribes, shall, in relation to Uttar Pradesh, be deemed to be Scheduled Castes in respect of members thereof resident within the State :

1. Throughout the State—

- (1) Agariya.
- (2) Badi.
- (3) Badhik.
- (4) Baheliya.
- (5) Baiga.
- (6) Baiswar.
- (7) Bajaniya.

- (8) Bajgi.
- (9) Balahar.
- (10) Balmiki.
- (11) Bangali.
- (12) Banmanus.
- (13) Bansphor.
- (14) Barwar.
- (15) Basor.
- (16) Bawariya.
- (17) Beldar.
- (18) Beriya.
- (19) Bhantu.
- (20) Bhoksa.
- (21) Bhuiya.
- (22) Bhuyiar.
- (23) Boria.
- (24) Chamar.
- (25) Chero.
- (26) Dabgar.
- (27) Dhangar.
- (28) Dhanuk.
- (29) Dharkar.
- (30) Dhobi.
- (31) Dhusia or Jhusia.
- (32) Dom.
- (33) Domar.
- (34) Dusadh.
- (35) Gharami.
- (36) Ghasiya.
- (37) Gual.
- (38) Habura.
- (39) Hari.
- (40) Hela.
- (41) Jatava.
- (42) Kalabaz.
- (43) Kanjar.
- (44) Kapariya.
- (45) Karwal.
- (46) Khairaha.

- (47) Kharot.
- (48) Kharwat (excluding Benbansi).
- (49) Kol.
- (50) Korwa.
- (51) Lalbegi.
- (52) Majhwar.
- (53) Nat.
- (54) Pankha.
- (55) Parahiya.
- (56) Pasi.
- (57) Patari.
- (58) Rawat.
- (59) Saharya.
- (60) Samaurhiya.
- (61) Sansiya.
- (62) Shilpkat.
- (63) Turaiha.

(2) In Bundelkhand Division and the portion of Mirzapur District south of Kaimur Range :

Gond.

NOTE—No person who professes a religion different from Hinduism shall be deemed to be a member of a Scheduled Caste in Uttar Pradesh.

G. O. no.
1303/III
—15-1949,
dated April
9, 1949.

874. It is unnecessary to insist on any individual being treated as a member of a particular Scheduled Caste, **Persons denying castes.** if he himself denies that he is a member of that caste and does not desire to be treated as a member thereof. Hence if any such person wants his caste or sub-caste to be omitted and not to be entered in Government records even for the preparation of electoral rolls or for the filling up of papers for Government service or for any other purpose for which there is a specific statutory directive requiring entry, then in that case if he makes an application to such effect his request should be accepted.

C—Begar

G. O. no.
127/III.—23
(5)-46,
dated March
22, 1947.

875. (1) It is imperative that there should be neither laxity nor dilatoriness on the part of officers responsible for the investigation and trial of offences concerning begar. All proceedings relating to such cases should, therefore, be undertaken and completed without delay and both police and magisterial staff are required to take prompt action to that end.

(2) The District Magistrate is personally responsible for the eradication of begar in his district and for all measures necessary for that purpose. The district staff should note that Government will view

UPLIFT OF SCHEDULED CASTES AND BACKWARD CLASSES 391

with displeasure any case in which officers have failed to take adequate action to stop this evil and that they are expected to be alert and to act effectively in suppression of such practices. Instructions for the eradication of *begar* should be included in the revenue tour instructions for each district.

(3) Though the practice of *begar* is diminishing there are modified forms which still exist such as taking labour at harvest time for inadequate payment or without payment and not only should this form of *begar* be stopped but also the form in which compulsion may sometimes be used to force men to labour even on adequate wages.

XXVII—RATIONING DEPARTMENT

(Merged in Food and Civil Supplies Department)

XXVIII—ECONOMICS AND STATISTICS DEPARTMENT

(Blank)

XXIX—FOOD AND CIVIL SUPPLIES DEPARTMENT

Chapter LXXX—Rules and Orders

876. The Department of Food and Civil Supplies is of a **Manual of Control** temporary nature. For rules and orders relating **Orders.** to this Department reference should be made to the Manual of Control Orders published by the Superintendent, Printing and Stationery, U. P., Allahabad. The preface to the **Manual** explains the lay-out and matter covered by that publication.

XXX—TRANSPORT DEPARTMENT

Chapter LXXXI—State Road Transport

A—Rules and Administration

877. (1) The U. P. State Road Transport Act, 1950, enables the State Government to run road transport services on any route if it is considered necessary to do so in the public interest and for the common good. In furtherance of this Act, Government have issued the Uttar Pradesh State Road Transport Rules, 1951, and have established the U. P. Government Roadways which provides public transport on several routes.

(2) The State Transport Services are under the control of the Transport Commissioner, U. P., who is assisted by Deputy Commissioners and Assistant Commissioners of Transport. As Delhi is a regular station on the transport system for the Meerut Region it falls within the charge of the Transport Commissioner who is, therefore, authorised to visit it without obtaining the prior permission of Government. This instruction also holds good in the case of the Deputy Transport Commissioner (Roadways), U. P. and the General Manager, Meerut Roadways in respect of visits to Delhi on official duty.

G. O. no.
1925-T/
XXX—
2033-T-49,
dated
June 19,
1951.

B—Temporary establishment and allowances

**Appointment of
temporary non-gazet-
ted staff for Road-
ways.**

878. The Transport Commissioner, U. P., is empowered to create for a period not exceeding six months, temporary non-gazetted posts which may be necessary for the successful and efficient operation of the Government bus services. This power is subject to the following conditions :—

G. O. no.
667-T/XXX,
dated April
16, 1948 ;
G. O. no.
434-T/XXX,
—272-T-
1948, dated
January 17,
1950 and
G. O. no.
228-T/XXX
—272-T-
48, dated
February
28, 1952.

(a) The posts so created should carry a salary not exceeding Rs.225 per mensem in the scales of pay approved by Government.

(b) That the appointments are made on the initial rate of pay of the approved scales and no advance increments are given.

(c) That adequate provision to meet the cost exists in the budget for the year in which the temporary posts are created and that budget provision has not to be augmented by reappropriation of savings.

(d) The Transport Commissioner shall make effective retrenchment of the staff so as to bring expenditure within income if and when any roadway shows a deficit or is likely to do so. The cost should be debited to the Head "47—Miscellaneous Departments—A—Miscellaneous—Transport Department—(g)—Operation of Bus Services".

**Appointment of
temporary work-
charged staff in Road-
ways.**

879. Authority is delegated to the Transport Commissioner to entertain work-charged staff in roadways up to a maximum limit of Rs.250 per mensem for a period not exceeding three months, subject to the condition that budget provision is not exceeded.

G. O. no.
3725-T/
XX X—
2035-T-50,
dated Sep-
tember
22, 1950.

The cost should be debited to the Head "47—Miscellaneous Departments—A—Miscellaneous—Transport Department—(g)—Operation of Bus Services".

G. O. no.
1319.
T/XXX,
dated June
11, 1948.

880. The Transport Commissioner, U. P., is authorised to engage work-charged establishment at the Roadways Central Workshop at Kanpur subject to the following conditions :—

Employment of work charged establishment at the Roadways Central Workshop, Kanpur.

(a) that funds are available to meet the expenditure,

(b) that without the specific sanction of Government the payment made to any such person for work done by him in any one month shall not exceed Rs.400.

G. O. no.
6045-T/
XXX—152.
T-46, dated
March 31,
1951.

881. Sanction has been accorded under para. 242, Financial Handbook, Volume V, Part I, to the payment of advance travelling allowances to any member of the temporary staff working in the Roadways and Central Workshop, Kanpur, if and when it is considered by the Transport Commissioner, U. P. that undue hardship is likely to be caused in the event of such advances not being allowed. Steps should, however, be taken to recover the advances in full after the journeys are completed.

T. A. advances to Roadways and Central Workshop's staff.

C—Rewards

G. O. no.
5854-T/
XXX—341.
T-51, dated
February
5, 1952.

882. (1) Rewards may be granted to drivers of the Roadways Organization in accordance with directions given below :

Reward to Roadways staff.

(a) A driver who has looked after his vehicle well and has also been able to get satisfactory service for 50,000 miles or more from a new engine, or 30,000 miles or more from a re-conditioned engine, without requiring any major repairs, may be given a reward of Rs.100. The major repairs shall not include grinding of valves but will include replacing of bearings, pistons, rings, and all such other repairs as normally necessitate the removal of the engine from the chassis. A driver who has been guilty of gross negligence in handling any other part of the vehicle shall not be eligible for any reward.

(b) A driver who has carefully maintained the tyres of his vehicle so that they have given satisfactory service for at least 40,000 miles when operated on tarred and cemented roads, 30,000 miles if operated on kankar roads, or 15,000 miles if operated on hill roads, may be given a reward of Rs.20. If the vehicle has been operated on mixed routes, the General Manager will make his recommendation on the mileage to be considered for giving the reward and the Transport Commissioner may approve of that mileage,

(c) A driver who has kept the battery of his vehicle in a satisfactory condition so that the battery has given efficient service for 12 months or over without needing replacement or major repairs, may be given a reward of Rs.10. Re-charging of the battery shall not be classified as major repairs.

(d) A reward for meritorious service may be granted to a driver who earns the full amount of his good conduct (or mileage) allowance over a period of three years. This reward may consist of the grant of a chevron which will be worn by the driver on his uniform. A driver who is able to get two chevrons may be rewarded with a lump sum of Rs.50 and a driver who is able to get two such cash rewards may be considered for the post of a Driver Instructor if and when such a post is created.

(2) The Transport Commissioner is authorised to sanction the rewards mentioned in sub-para. (1) above up to a limit of Rs.200 in individual cases. The cost incurred on account of the grant of such rewards will be debited to the Head "47—Miscellaneous Departments—A—Miscellaneous—Transport Department—(g)—Operation of Bus Services—Allowances and Honoraria".

(3) As regards other Roadways staff, they may be granted honoraria for work of a specially meritorious and exceptionally arduous nature in accordance with Fundamental Rule 46 of the Financial Handbook, Volume II.

D—Unclaimed Property

883. Notices in Hindi in the following terms should be exhibited in a prominent place at each bus station and in particular near all counters where tickets are issued. Similar notices should also be published in all Roadways time tables :

D. O. no.
2011-T/
XXX-
618T-49,
dated July
15, 1949.

Notice

(1) The Roadways authorities take no responsibility for articles, packages, luggage, etc., left behind by passengers in Roadways vehicles.

(2) All non-perishable articles recovered from vehicles will be stored for one month at the appropriate depot or bus station and if not claimed within that period shall be passed on to the appropriate police station for disposal as lost property in the prescribed manner.

(3) All unclaimed perishable goods will be disposed of by public auction at the risk and expense of the owner at the depot or bus station where they are admitted.

(4) All claims for goods left behind should be properly registered at the bus station or the office of the officer-in-charge of the Station. If the article lost has been found and kept in storage, it will be returned on proper evidence of ownership being adduced to the satisfaction of the Roadways authorities concerned.

884. For instructions regarding the disposal of lost property left in buses or at the bus station or depot, reference should be made to the rules issued with the Transport Commissioner's Circular no. 50, dated April 29, 1949 and which are also reproduced in Appendix 39.

Instructions regarding disposal of lost property.

Chapter LXXXII—Maintenance of public vehicles

885. (1) Departments will be responsible for the maintenance of vehicles under their control as indicated below :

G. O. no.
5914-T/
XXX, dated
December
3, 1949.

(A) *Vehicles belonging to the Home, Agriculture and Public Works (Buildings and Roads) Departments.*—These Departments have their own arrangement for maintenance and repair and will continue to exercise day-to-day technical control over their own vehicles which will not be under the control of the Transport Department. The Transport Commissioner will, however, prescribe log books and other registers which the drivers of these vehicles will be required to maintain. The Transport Department will arrange for detailed six-monthly inspections of these vehicles and will submit a report to the Secretary of the Department concerned as well as to the Transport Department for the information of Government. In the matter of minor repairs, servicing and day-to-day maintenance, the departments concerned will be fully responsible but if major repairs are necessary it will be open to the department concerned to consult the experts of the Transport Department.

The six-monthly report of the Transport Commissioner will provide Government with authentic information as to whether the vehicles are being properly run and maintained and if any deficiency is found the official or officials concerned will be required to explain. It is most important that the guidance of the Transport Department should be made use of at all times.

(B) *Vehicles belonging to the Information, Food and Civil Supplies, Municipal, Public Works (Irrigation Branch), Refugee, Public Health, Education, Industries and Revenue Departments.*—These departments do not have their own arrangement for maintenance and servicing. It is, therefore, necessary that all vehicles belonging to these departments should be looked after by the Transport Department. The Transport Commissioner will arrange for periodical inspection and routine servicing as well as for all major repairs. In the matter of minor repairs the local head of the office may incur expenditure up to Rs.100 per vehicle and may have the repairs carried out in any approved local garage.

For repairs costing more than Rs.100 the department will send an estimate to the Deputy Transport Commissioner (Technical) who will arrange for the repairs after inspection of the vehicles, if necessary. In order to enable the Transport Commissioner to exercise more effective control on the use of these vehicles, the drivers are placed under the disciplinary control of the Transport Department. All expenditure in connection with the running of these vehicles and their servicing and repair will continue to be borne by the departments concerned directly. However, for repairs undertaken with the advice of the Transport Commissioner, payment to private workshops should be made with the concurrence of the Transport Department.

The Transport Commissioner will also carry out detailed six-monthly inspections of the vehicles of the above departments and submit his report to the department concerned as well as to the Transport Department for the information of Government. The few vehicles of the Education Department used for military training which are being looked after by the Military Department will continue to be maintained by them.

(C) *Secretariat Staff cars*—These will continue to be with the Public Works Department, but the Transport Department will service and inspect them and advise the Public Works Department as to the necessity of repairs and replacements for these vehicles. The Transport Commissioner will carry out detailed six-monthly inspections. These arrangements are subject to review.

(D) *Other staff cars with Government Officers*—These will also be serviced by the Transport Department but will remain under the control of officers of the departments concerned. The Transport Department will also arrange for the usual six-monthly inspection of these vehicles.

(2) It is essential that all departments of Government should take a special interest in the maintenance of vehicles in their charge so that vehicles may have the longest life possible. It should not happen that due to neglect of vehicles, Government is put to heavy expenditure on their repair and maintenance. All departments are, therefore, responsible for the issue of stringent instructions to their officers stressing the need for great care in running and maintaining vehicles and requiring them to make the best possible use of the technical advice of the Transport Department. Log books will be maintained for each vehicle as prescribed in the succeeding paragraphs and local officers must see that log books are properly maintained and that the instructions of the Transport Commissioner regarding periodical servicing are complied with invariably and that drivers are kept under strict discipline.

886. The following instructions are given regarding the use and inspection of Government vehicles assigned to departments :

Rules for the maintenance and use of Government vehicles.

(a) The Head of Department will place an officer of his department in charge of the motor vehicles belonging to that department and the latter will be responsible for their proper use and maintenance in accordance with the instructions which may be received by him from the Motor Vehicles Officer, Transport Commissioner's Office, Lucknow. The officer so placed in charge of vehicles will be designated the "Officer-in-charge, Transport".

(b) The Officer-in-charge, Transport, will cause a special log book to be prepared for each vehicle in the undernoted form. This log book of each vehicle will remain in the office of the

T. C.'s
letter no.
4167/39.
M. T./49,
dated June
5, 1952.

Officer-in-charge, Transport, and will be made available to the Technical Inspector, when he comes to check the vehicle. It will be the duty of the Officer-in-charge, Transport, to see that this book is kept posted up to date at all times :

Form of Log Book

Date	From	To	Mile Meter Reading		Total mileage done	Date of issue of oils
			From	To		
1	2	3	4	5	6	7

Issue of oils		Petrol in tank opening balance	Petrol drawn during month	Signature of driver	Signature of Camp clerk	Remarks
Petrol	Mobil oil, etc.					
8	9	10	11	12	13	14

(c) The Technical Inspector of the Transport Department will, during the tour of his region, check the vehicles with the detailed log book maintained in the office of the Officer-in-charge, Transport, with a view to seeing that the instructions issued from the office of the Motor Vehicles Officer, Transport Commissioner's Office, Lucknow, about petrol and oil consumption, maintenance of vehicles, tyres and tubes and general repairs have been strictly observed, and the vehicles have been properly and carefully maintained. He will initial the log book and give the date, when he makes such check, and send his inspection report to the Officer-in-charge, Transport, concerned and a copy also to the Motor Vehicles Officer, Lucknow, for information and any action necessary.

(d) The Officer-in-charge, Transport, is responsible for the removal of defects pointed out by the Technical Inspector in his inspection report and that the advice tendered by the Motor Vehicles Officer is followed.

(e) The Officer-in-charge, Transport, should consult the Motor Vehicles Officer and his Technical Inspectors freely with regard to the repair and maintenance of vehicles. Instructions for the maintenance and use of staff cars are issued by the Transport Commissioner from time to time and officers in charge of such vehicles should see that copies of those instructions are available and are complied with.

Chapter LXXXIII—Other Orders

A—Financial powers

G. O. no.
1233-T-157T/
45, dated
October 11,
1945.

887. Power has been delegated to the Transport Commissioner under Subsidiary Rule 193 of the Financial Handbook, Volume II, Part III to authorize his subordinate officers or officials to proceed on duty to any part of India whether within or beyond the limits of Uttar Pradesh. This delegation is effective only in the case of Government servants subordinate to the Transport Commissioner and is not effective in the case of journeys performed by him for which he should obtain the previous sanction of Government.

Authorization of journeys outside the State by subordinate officers.

G. O. no.
4524-T/
XXX, dated
September
11, 1948.

888. The Transport Commissioner has been authorized in accordance with Subsidiary Rule 36 read with item no. (8) of Statement IV of the Financial Handbook, Volume II, Part IV, to sanction leave other than the disability leave and leave extending beyond the date of compulsory retirement to Government servants other than Accounts Officers under his administrative control for a period not exceeding six months, provided—

Leave to gazetted officers by Transport Commissioner.

(a) arrangements for carrying on the duties of Government servants concerned are local and do not involve the transfer of another government servant from an outstation, and

(b) a report as to the admissibility of the leave required is obtained from the Accountant General, U. P.

G. O. no.
696-T/XXX
—277-T-48,
dated January
4, 1949.

889. The Transport Commissioner, U. P., has been authorized to create, subject to the general conditions laid down in para. 34(II) of the Financial Handbook, Volume I, temporary posts on a pay up to Rs. 110 per mensem, for a period not exceeding six months in all branches under his control except Roadways in respect of which power has already been delegated to him as in para. 878 above.

Creation of temporary posts except for Roadways.

The total expenditure on account of such posts should not exceed Rs. 2,000 in any one financial year.

B—Appointments and discipline

Notification
no. 713-T/
XXX-42.
T-51, dated
May 28,
1951.

890. In exercise of powers conferred by Article 309 of the Constitution, the Transport Commissioner, Deputy Transport Commissioner (Administration), Deputy Transport Commissioner (Roadways) and General Managers of Government Roadways, Uttar Pradesh, are each made the appointing authority in respect of the non-gazetted staff of the Transport Organization shown against each in the schedule below :

Appointing authorities.

OTHER ORDERS

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Schedule

Serial no.	Branch of Transport Organization	Details of posts	Appointing authority	Appellate authority	Remarks
1	Roadways Branch	Senior and Junior Foremen or Head Mechanics, Senior and Junior Station-in charge.	Transport Commissioner.	Government	The Central Selection Committee will make selection of candidates in accordance with D. O. no. 5523-T/XXX, dated August 26, 1948, read with G. O. no. 3276 (i)-T/XXX, dated September 14, 1949.
2	Direction and Regional Transport Branches.	All clerical staff and inferior staff at headquarters and Regional Offices including Accountants, Compilation Assistants, Draftsmen and Drivers and Cleaners of all staff vehicles excluding those belonging to the Police Department.	Deputy Transport Commissioner (Administration).	Transport Commissioner.	..
3	Roadways Organization.	All clerical staff, Store-Keepers, Assistant Store-Keepers, Cashiers and Assistant Cashiers, Statistical Assistants, Assistant Traffic Inspectors, Mechanics and Electricians in various Roadways.	Deputy Transport Commissioner (Roadways).	Transport Commissioner.	The Central Selection Committee will make selection of candidates in accordance with D. O. no. 5523-T/XXX, dated August 26, 1948, read with G. O. no. 3276 (i)-T/XXX, dated September 14, 1949.
4	Roadways Organization.	Assistant Mechanics, General Managers, Vulcanizers and Assistant Vulcanizers, Painters, Carpenters, Time-Keepers, Upholsterers, Turners, Blacksmiths, Mochi, Hammermen, Tinsmiths, Welders, Daftraries, Sweepers, Chaukidars, Drivers, Cleaners, Conductors, Mazdoors, Waterboys, Fitters, Bhistis, Traffic Cleaners, Peons and Jamadars, etc.	General Managers.	Deputy Transport Commissioner. (Roadways).	The Regional Selection Committee will make selection of candidates for these posts in accordance with D. O. no. 5523-T/XXX, dated August 26, 1948, read with G. O. no. 1489-T/XXX, dated April 19, 1949.

C—Rules affecting motor vehicles

891. The Motor Vehicles Act, 1939, provides for registration of motor vehicles, licensing of drivers, the control of transport vehicles and traffic and for third party insurance. Officers engaged in administration are expected to be familiar with those provisions and also to be acquainted with the U. P. Motor Vehicles Rules, 1940, made under that Act and published separately in book form.

Motor Vehicles Act and Rules.

G.O. no.
3507-
T/XXX-
1005-T/50,
dated
November
22, 1950.

892. Under section 71(2) of the Motor Vehicles Act, 1939. Superintendents of Police have been authorized to restrict the speed of motor vehicles in the interest of public safety or convenience and to fix such maximum speed limits in urban areas as they think fit.

Speed limits in urban areas.

893. The U.P. Motor Vehicles Taxation Act provides for the taxation of motor vehicles and under section 20 of the Act, Government have made the U. P. Motor Vehicles Taxation Rules, 1935, which is printed as a separate pamphlet.

U. P. Motor Vehicles Taxation Act and Rules.

G.O. no.
1093-
T/XXX-
814T-50,
dated March
30, 1950.

894. Attention is drawn to rule 40 of the above Rules which requires that all motor vehicles (except army vehicles and vehicles kept for sale by dealers) exempt from liability to tax, either totally or partially, should be governed by the directions and prohibitions contained in the U. P. Motor Vehicles Taxation Act, 1935, other than liability to pay tax, so that Government Departments are as much liable to imposition of a fine for a breach of rules as private persons. Hence it is necessary that they should also observe the rules so as not to incur liability for fines.

Applicability of rules to Government vehicles and issue or renewal of tokens.

The following rates have been fixed for composition fines for late payment of tax or issue or renewal of tokens :

Rs.2 for the first seven days of delay, Rs.5 for every subsequent week of delay up to a maximum of Rs. 50.

This fine is liable to be imposed on private persons and Government departments alike and will not be waived.

D—Use of Aircraft

895. The Hind Provincial Flying Club, Lucknow, maintains aircraft for the use of the Governor, the Chief Minister and Ministers of the Uttar Pradesh Government. No fares will be charged. The following procedure for the requisitioning of planes will be observed.

Supply of aircraft.

896. Intimation of the proposed flight should be sent to the Managing Director, Hind Provincial Flying Club, Lucknow, in writing by the Personal Assistants to Ministers, at the same time endorsing copies to the Transport Commissioner, Uttar Pradesh. Intimation, supplemented by telephonic calls, if necessary, should be sent at least 72 hours

Intimation of journey.

G.O. no.
5063-TT/
XXX, dated
January 17,
1952.

prior to the commencement of the proposed journey. This is essential for proper inspection and test of the aircraft and to ensure that the flight will involve no risk whatever. In emergencies notice may be reduced to 24 hours.

897. In order that journeys may be performed within time and as it is essential to avoid landings after dusk, it is important that the time of departure should be strictly observed.

Punctuality in departure.

898. The limit of the load to be carried by planes should be strictly adhered to and all users should co-operate with the pilot in enforcing it. A notice will be found on each plane stating the limits.

Limit of load.

899. During summer, flight should be undertaken in early morning hours to avoid bad weather. It should terminate irrespective of seasons one hour before sunset as lighting arrangements do not exist at all aerodromes and as planes cannot undertake night flying.

Prohibition on night flying.

900. As far as possible, the pilot should not be detained for more than one night for journeys not exceeding three hours or when a return flight is not intended. Where hotel facilities do not exist, arrangements for the lodging and conveyance of the pilot should be made.

Detention of pilots.

901. Requisition for Government planes should be made in the following form and should reach the office of the Hind Provincial Flying Club during its working hours (10 a.m. to 5 p.m. from August 1 to March 31 and 7 a.m. to 1 p.m. from April 1 to July 31) :

Requisition for aircraft.

Date of proposed flights	Stations From— To—	Exact time of departure	No. of passengers to travel	Weight of luggage to be carried	Date and time of return journey
1	2	3	4	5	6

NOTE—Luggage load should not exceed the following limits :

- | | | | |
|--------------------------------------|----|----|-------------|
| (a) One passenger excluding pilot | .. | .. | 140 lbs. |
| (b) Two passengers excluding pilot | .. | .. | 50 „ |
| (c) Three passengers excluding pilot | .. | .. | No luggage. |

902. When several simultaneous demands are received by the Managing Director, Hind Provincial Flying Club Ltd., Lucknow, he will make a reference to the Under Secretary to Government in the Transport Department, who shall take the orders of the Minister for Transport regarding priority. The use of Government planes by officers other than Ministers will always be subject to the approval of the Minister for Transport which should be obtained in advance.

903. The Personal Assistants to the Chief Minister and other Instruction to District Ministers will inform the District Magistrate Officials. and the Superintendent of Police concerned of the date and time of arrival of aircraft carrying Ministers as soon as arrangements for the flight have been fixed. The Superintendent of Police is responsible to make arrangements for guarding the aircraft during its stay in his district.

904. As considerable risk is involved in air journeys, it is most important not to undertake the journey at all Certificate of airworthiness. if the plane is not certified to be in perfect condition by the Pilot or the Ground Engineer. Under the regulations of the Civil Aviation Directorate of the Government of India, it is necessary that the plane must have a current certificate of air worthiness. In the absence of such certificate a plane cannot carry passengers in any circumstances. The Flying Club will always make sure that plane chartered by Ministers and others has the necessary certificate.

XXXI—RELIEF AND REHABILITATION DEPARTMENT

Chapter LXXXIV—Relief and Rehabilitation

905. The Relief and Rehabilitation Department was created in September, 1947 to deal with the rehabilitation of displaced persons and administration of evacuee property. The Department acts in accordance with the policy and direction of the Central Government and will continue only as long as the problem of rehabilitation exists. As the Department is temporary its orders are not of permanent interest and are, therefore, omitted from the Manual.

XXXII—FOOD PRODUCTION DEPARTMENT

Chapter LXXXV—Orders Relating to Food Production

906. It is vital and essential to public well-being that the State

D. O. no. C-1244-XXV/CX, dated August 12, 1949.

Food Production.

should be self-sufficient in food production which must, therefore, take priority in any programme for development. Hence it has been necessary to fix production targets for the State which are split between districts in accordance with their capacity and to further production Government have also appointed the Secretary of the Agriculture Department to be *ex-officio* Food Production Commissioner. He is charged with over-all responsibility for food production work throughout the State and District Officers should maintain the closest contact with him to ensure effective guidance and direction in the execution of food production programmes. Government expect every District Officer to do his utmost to complete the programme for self-sufficiency in food set for his district.

907. (1) Agricultural information is a condition precedent to the

Dissemination of agricultural information.

advancement of agriculture. Government have, therefore, set up a Bureau of Agricultural Information with the express object of presenting to the public scientific knowledge in simple language and in a popular form. The Bureau discharges these functions through the publication of an Agricultural Journal, Farmer's Bulletins and leaflets in Hindi and English. District Magistrates should take the fullest advantage of these publications in the drive for self-sufficiency and should see that the information supplied is made widely known in villages through panchayats, educational institutions, co-operative societies, district boards and other departmental agencies working in rural areas. Public bodies and progressive individuals interested in the progress of agriculture should, in particular, be encouraged to obtain these publications and thus promote dissemination of progressive ideas and better methods of cultivation among the rural population.

G. O. no. F-8641/XII-A, dated September 19, 1950.

(2) The Bureau of Agricultural Information will keep District Officers fully informed about publications issued and, in preparation of leaflets, bulletins and articles, will give the fullest consideration to their specific suggestions on matters of special interest in their districts. Suggestions by District Officers regarding the publication of materials suitable to the district or for the supply of any literature on agriculture and food production may be addressed direct to the Deputy Director of Agricultural Intelligence and Publicity, Chhatar Manzil, Lucknow.

908. It is essential that delay should not occur in the disposal

Expeditions disposal of applications for assistance or advice.

of applications for financial and other assistance or for technical advice in connection with intensive cultivation schemes so that reasonable facilities are promptly afforded to individuals and others to enable them to grow more food. Hence all such applications received by District Magistrates should be attended to without delay and time should not be lost in making unnecessary inquiries.

G. O. no. F-1670/XII-A, dated April 4, 1950.

ORDERS RELATING TO FOOD PRODUCTION

G. O. no. F-
7247/XII-A—
448-50, dated
September
18, 1951.

909. To execute the Grow-More-Food Schemes it is essential that the pre-requisites of efficient cultivation such as suitable agricultural implements, approved varieties of seeds and manures and adequate facilities for irrigation, are provided to the cultivator in time. With the co-ordination of all departments through the District Planning Committees and consequential arrangements at the lower levels, the cultivator should now be able to get his requirements of seed and manure, agricultural implements, cement, iron and steel, etc., required for agricultural purposes without inconvenience and in time. District Planning Officers should bear in mind the importance of ensuring co-ordination to this end so that cultivators may not have to face difficulties in obtaining these facilities.

G. O. no. F-
7247/XII-A—
448-50, dated
September
18, 1951.

910. Financial assistance, whether by takavi or by subsidy, is given to cultivators in most cases in the form of materials, not only in connection with the constructions of masonry wells but also in connection with some Grow-More-Food Schemes. In all such cases District Officers should take steps to ensure that the materials issued for these purposes are actually used for the work or scheme for which they were intended and that every case of misuse of materials is promptly investigated and suitable action taken against defaulters.

G. O. no. F-
2527/XII-A—
604-49, dated
December
5, 1949.

911. (1) Government have decided that road-side masonry wells constructed by the Public Works Department may be utilized for the irrigation of food crops subject, however, to the condition that the wells are not used in such a way as to cause obstruction to traffic on the road. For example, if a *charsa* is fitted to a road-side well, it should not be drawn in such a way that the bullocks drawing water have to move across the road and thus endanger traffic. This decision by Government should be made widely known in the district so that the road-side wells of the Public Works Department may be fully utilized for the irrigation of food crops.

G. O. no.
F-325/XII-A—
401-50, dated
January 31,
1951.

912. Wherever a paddy crop is threatened by the appearance of the Gundhy bug (*Leplocosia vericorhis*) the matter should be referred to the Entomologist to Government, Uttar Pradesh, Kanpur, to enable him to take prompt measures as these bugs cause enormous damage to paddy crops.

G. O. no. F-
325/XII-A—
401-50, dated
January 31,
1951 and
G. O. no. 1402/
XII-A—401-
50, dated
April 26,
1951.

913. (1) Forfeited guns from the Salar malkhana may be made available to cultivators holding fire-arms licences so as to enable them to destroy wild animals damaging food crops in localities where public sentiment is not opposed to the destruction of such animals.

(2) As regards such sales it may be observed that forfeited weapons can only be sold to Government servants or members of the public up to a limit of ten per cent. of the stock in a particular year (*vide*

G. O's. nos. 4637-Z/VIII—1531-47, dated October 1, 1947 and 4792-Z/VIII—2018-46, dated November 8, 1949. This restriction, however, does not apply to forfeited muzzle loading guns not required for the district reserve and forfeited muzzle loading guns available in the malkhana may be sold to persons holding crop protection licences even beyond the ten per cent. limit prescribed for other weapons. If the demand for forfeited muzzle loading guns exceed the number available in the district, the District Magistrate may move Government in the Home (Police-B) Department to consider the possibility of diverting the requisite number of arms from any other district where they may be in excess of requirements.

914. (1) Section 3 of the U. P. Rural Development (Requisitioning of Land) Act, 1948, provides that if in the opinion of the Requisitioning Authority it is necessary or expedient to requisition land

Acquisition of land
for drainage channels.

G. O. no.
F-1495/XII-
A—471-50,
dated De-
cember 29,
1950.

for a public purpose, such requisition may be made in accordance with the procedure laid down in the above section read with rule 5 of the U. P. Rural Development (Requisitioning of Land) Rules, 1948. In section 2 (2) (v) of the Act "public purpose" has been defined to mean *inter alia* "for and in connection with any other object which the State Government may after publication in the *Gazette* declare essential for the development of agriculture or improvement of the life of the community in rural areas". In notification no. 6114-R/XII-C—D.C.-379-48, dated June 21, 1949, construction of drainage channels has been declared an object essential for the development of agriculture and improvement of the life of the community in rural areas and is, therefore, an object for which land may be requisitioned under the provisions of section 3 of the U. P. Rural Development (Requisitioning of Land) Act, 1948, read with rule 5 of the Rules thereunder.

(2) The position in respect of requisitioning of land under the above Act should be known to revenue officers of the district staff and when any proposal for the requisitioning of land for such purpose is received from the Irrigation Department the requisite action should be taken as promptly as possible.

Chapter LXXXVI—Takavi for Food Production

915. The U. P. Takavi Rules have been framed under the Agriculturists' Loans Act, 1884 (XII of 1884) and the Land Improvement Loans Act, 1883 (XIX of 1883) and are administered by Government in the Revenue Department. Takavi for food production is dealt with by the Food Production Department who have for this purpose issued instructions from time to time to supplement and amend those Rules in order to promote food production and which are embodied in this chapter.

916. The following orders regulate the grant of takavi advances under the Land Improvement Loans Act (XIX of 1883), for the improvement of old fallow and culturable wastelands. The instructions in clauses (c) and (e) below will, however, apply to all advances whether made under Act XIX of 1883 or Act XII of 1884:

(a) The grant of interest-free takavi is discontinued and all such loans will bear interest. Interest-free takavi for the following purposes already sanctioned in the Government Orders noted against each will, however, continue to be allowed until further orders, on the prescribed terms and conditions:

(i) Installation of tube-wells .. G. O. no. 1950-A/XII-A—171-46, dated November 29, 1947.

(ii) Sinking of masonry wells .. G. O. no. F-769/XII-A—207-49, dated September 27, 1949.

(iii) Improvement of wells by boring and installation of persian wheels. G. O. no. F-1094/XII-A—314-49, dated October 13, 1949.

(b) Subject to proper security, as defined in the Takavi Rules, being furnished and to the limit of the district allotment of funds, the amount of takavi to be advanced in each case should generally be determined in accordance with the standard schedules of assistance laid down by Government from time to time.

(c) A bhumidhar may be advanced takavi on his personal security not exceeding 60 times his land revenue and a sirdar not exceeding 10 times his land revenue under Acts XIX of 1883 and XII of 1884.

(d) Takavi may, if possible, and provided the district allotment permits, be advanced for the purchases of tractors and ancillary equipments in accordance with the instructions issued by Government from time to time. The security required in such cases will be the full amount involved in addition to hypothecation of the tractors to Government until the takavi is repaid in full. Collectors must take particular care to ensure that takavi is utilized for the actual purchase of the tractor and its

G. O. no. F-2473/XII-A—210-49, dated December 10, 1949.

G. O. no. F-2378/XII-A, dated April 4, 1951.

G. O. no. F-5875/XII-A—581-49, dated October, 4, 1951.

G. O. no. 937 R/113—517-B-53, dated June 19, 1953.

ancillary equipment. For that purpose the loan money should only be paid after satisfactory proof is furnished by the applicant to show that the tractor will be received in the immediate future.

(e) The Collector should sanction loans after obtaining a joint report from the District Agricultural Officer and the Tahsildar concerned on the application for takavi. Subject to the limits of the district allotment and to the standard schedule fixed by Government from time to time the Collector has power to sanction all loans without any reference to the Land Reforms Commissioner. These orders apply not only to takavi advances for improvement of old fallow and culturable waste lands but also to all takavi advances under Act XIX of 1883 and Act XII of 1884. He should, however, satisfy himself in such manner as he thinks fit that the amount of takavi will be utilized for the purpose for which it is advanced.

Standard schedule—(i) The maximum amount of takavi to be sanctioned for this purpose should not exceed Rs.1,000 if the area of the holding of the borrower does not exceed 25 acres and Rs.2,000 if it is longer.

(ii) *For purchase of tractors and implements*—Minimum area 100 acres in a single compact block in districts to be specified by Government from time to time. No takavi will be allowed for purchase of petrol driven tractors.

(iii) Total amount of loan for tractors and ancillary implements will not exceed half the total value of the tractor and the implements, subject to a maximum of Rs.5,000. In case, however, Government tractors are proposed to be purchased, the maximum limit will be Rs.10,000. No individual will be allowed takavi for the purchase of more than one tractor. For purposes of this loan one farm, joint-tenants or co-sharers or partners will be treated as one individual.

(iv) Takavi for the clearance of land and for the lay-out of the farm will not be granted.

(v) Takavi for Bundhis may be given to the extent of the security offered.

917. Provision exists in section 4(2) (d) of the Land Improvement Loans Act, 1883 for the sanction of takavi for fencing agricultural land. As agricultural lands bordering reserve forests are comparatively more exposed to depredations of wild animals it is preferable that takavi in such areas may be sanctioned in the form of materials with the two-fold purpose of :

(a) ensuring to a greater extent proper utilization of the takavi advanced, and

(b) to facilitate fencing of those agricultural lands.

The intention of this instruction is, however, not to restrict the provision for the grant of takavi in the form of materials for fencing agricultural lands to the areas specified above only.

G. O. no.
F-324/
XXXII—
448-50,
dated March
14, 1952.

G.O. no. F-
7316/XII-
A—336-50,
dated Sep-
tember 30,
1950.

918. In view of the remissions of court fee provided in items 6 and 14 of Appendix C-III to the Stamp Manual, no court fee is chargeable on applications made by cultivators for takavi for the construction of private masonry wells.

Takavi applications for masonry wells exempted from court fees.

XXXIII—PANCHAYAT RAJ DEPARTMENT

Chapter LXXXVII—Panchayat Administration

919. The U. P. Panchayat Raj Act, 1947, has been enacted to

Act and Rules.

establish and develop local self-government in rural areas within the State and to make better provision for village administration and development. To carry out the purpose of that Act, the State Government has promulgated the "Panchayat Rules" which is published as a separate booklet and is obtainable from the Superintendent, Printing and Stationery, Uttar Pradesh. These rules are supplemented by executive orders of which the more important orders of permanent interest are embodied in this section.

920. Detailed instructions in regard to the census to be carried

Arrangement for census and elections for panchayats.

out in connection with the establishment of Gaon Sabhas and other measures in connection with the election of panchayats under the Panchayat Raj Act, 1947, were given in

G. O. no. 512/XVI-9-V. P., 1947, dated February 4, 1948.

G. O. no. 512/XVI-9-V.P.-1947, dated February 4, 1948.

921. Clause d) of section 5 of the U. P. Panchayat Raj Act

Ineligibility of government servants for panchayat membership.

debars any public servants serving in any area of the Gaon Sabha or part thereof from being a member of that Sabha. Hence a person, who draws his full salary from Govern-

G. O. no. 3574(1)/P.R.D.-725-5-51, dated August 14, 1952.

ment or who is a part-time Government servant or even if he merely receives commission from Government, is ineligible to hold any office in the Panchayati Adalat or Gaon Sabha.

922. Under rule 168 (2) of the Panchayat Raj Rules appoint-

Vacancies for Panchayat Secretaries.

ment of Panchayat Secretaries shall be made by selection from the list of approved candidates prepared by the Selection Committee specified in that rule. Appointments to the post of Panchayat Secretary should, therefore, be made from this list exclusively and if at any time it is found that the number of remaining candidates has been reduced to 5 or 10 then steps should immediately be taken for the selection of additional persons to supplement the list. If in any case it so happens that the list is exhausted and no approved candidate is available for appointment then an outsider may be appointed temporarily provided he has the requisite qualifications and no exemption will be allowed to him from qualifications in respect of education and age. Such temporary appointments may be made pending his selection by the Selection Committee in accordance with the rules and orders.

G.O.no. 6299/PRD (5)/XXXIII-50, dated November 28, 1951; and Cir. no. 5067/PRD-5-46-50, dated August 21, 1950.

923. Under G. O. no. 4607/PRD—(5)-46, dated July 25, 1950, a

Appointment of Scheduled Caste candidates as Panchayat Secretaries.

minimum of ten per cent. of posts for Panchayat Secretaries is to be reserved for Scheduled Caste candidates. In accordance with that direction every effort should, therefore,

G.O.no.68/XXXIII-136-52, dated January 10/16, 1953.

be made to give due representation to Scheduled Caste candidates when making appointments to these posts.

Cir. no.
10709/
1.PRD, dated
February
16, 1950 and
Cir. no.
10709/PRD
(6)-15-49,
dated
September
22, 1949.

924. (1) The District Panchayat Officer is authorised to change the Panchayati Adalat Centre himself without making a reference to Government but in doing so he should have regard to the following :

(a) Whether there is any temple, school, public place or other building available for the Panchayati Adalat at the proposed centre.

(b) Whether the new proposed centre will be more accessible and convenient from all villages in the circle than the existing centre and whether it will not be too far from any of the Gaon Sabhas in the circle.

(c) Whether the proposed centre will be convenient for the Sarpanch of the Adalat and whether the new centre will be closer to his village.

(d) Whether the majority of the Panches of the Panchayati Adalat are in favour of the new centre.

(2) In making such changes preference may be given to those villages which are prepared to construct a building for the Panchayati Adalat at their own cost and within a specified period.

Cir. no. 1281
(2)/PRD,
dated May 3,
1951.

925. District Magistrates have, in exercise of powers conferred by clause (f) of section 95 of the U. P. Panchayat Raj Act read with rule 29 (3) of the Rules thereunder, been authorised to suspend any member or office-bearer of a Gaon Sabha or any member of Gaon Panchayat or Panchayati Adalat pending inquiry for corruption or participation in communal disturbances and against whom a case has been instituted in a court of law.

G.O.no.1083
XXXIII
206-53,
dated May 5,
1953

926. Panchayat Secretaries and other Panchayat officials are permitted to join and participate in the Bharat Sewak Samaj which is a non-official, non-political and national institution. However, membership of such an association should not interfere with the discharge of official duties.

G.O.no.1921/
XXXIII—
313-53, dated
May 30, 1953.

927. Panchayat officials including Panchayat Secretaries are prohibited from becoming members of the Sarvodaya Samaj nor may they participate in its activities. If, however, they desire of their own accord to take part in any public welfare work they may do so, provided such participation does not infringe any of the provisions of the Government Servants' Conduct Rules.

O. M. no.
8546-M/XX.
—50, dated
December 6,
1950.

928. The Panchayat Raj Department should invariably be consulted before any instructions are issued for utilizing the panchayat organization for departmental work of other departments. If a head of department wishes to utilize this organization he should send his proposal to the administrative department of Government concerned who will in turn consult the Panchayat

Raj Department. In order to ensure that such consultation does take place, a copy of the instructions issued will be endorsed to the Director of Panchayats by the Panchayat Raj Department of the Secretariat.

(2) Sarpanches or panches of Panchayati Adalats must not be entrusted with any sort of administrative or executive work.

929. Under section 85 of the U. P. Panchayat Raj Act the Munsif is empowered to cancel the jurisdiction of a Panchayati Adalat with regard to any suit or to quash any decree passed by it. The fact that Tahsildars in Kumaun are only authorised to hear civil appeals within a specified pecuniary limit does not affect their authority to exercise a Munsif's power of appeal in respect of decisions given by Panchayati Adalats. Hence Tahsildars working as Munsifs in the Kumaun Division are, therefore, held authorised to hear Panchayat appeals.

11153/
PRD(5)/
28-50, date
May 18,
1951.

930. (1) All Panchayat Inspectors are required to have a special knowledge of Hindi and all written work undertaken by them must be in Hindi in the Devanagri script. This instruction also applies to reports or correspondence sent to higher authority.

Cir. no.
11624/
PRD (5)-
328-50, dated
January 6,
1950,
G.O. no.
15274/PRD—
760-49, dated
February 4,
1950.

(2) All work done in District Panchayat Offices shall be in Hindi written in Devanagri script.

931. To implement rule 142 of the Panchayat Raj Rules, Government have issued instructions for the reporting of births, deaths and epidemics as reproduced in Appendix 40. The scheme and procedure set out in those instructions should be clearly explained to panchayats by District Medical Officers of Health and the staff of the Panchayat Directorate.

G.O. no. U-
2616/IX—
922-PH-40,
dated
December
29, 1950.

Chapter LXXXVIII—Appointment and Control of Panchayat Staff

Notification no. 2370/XXXIII—188-53, dated May 30, 1953; Cir. no. 8970/PRD(5), dated December 21, 1951; G.O. no. 474/PRD(5)-123-50, dated October 29, 1951; G.O. no. 5132/PRD(5)-96-51, dated July 21, 1951.

G. O. no. 3021/XXXIII—105-53, dated July 1, 1953.

G.O. no. 51/PRD(5)-193-49, dated Jan. 9, 1951.

932. (1) In exercise of powers conferred by the proviso to Article 309 of the Constitution, the Secretary to Government in the Local Self-Government Department has been declared the appointing authority for all Assistant District Panchayat Officers in the State.

(2) The Director, Panchayat Raj, is authorised to sanction all classes of leave except casual to the Assistant District Panchayat Officer. As regards casual leave, the District Panchayat Officer may sanction such leave in accordance with the general rules governing the grant of casual leave to officials.

(3) All posts of Assistant District Panchayat Officers will be treated as non-gazetted and entries in their character rolls will be recommended by District Magistrates in accordance with the general directions regarding such entries.

933. Subject to the provisions of Article 311 of the Constitution, the Joint Director, Panchayat Raj, U. P. will be the appointing authority in respect of Panchayat Inspectors and all ministerial and inferior staff in the office of the Director of Panchayats.

934. The District Magistrate is ultimately responsible for all Panchayat Raj work in the district and in the discharge of this responsibility will act through the District Panchayat Officer subject to the reservation of the following powers which will vest in the District Magistrate himself:—

(1) In respect of Panchayat Inspectors:

(a) To inflict all punishments enumerated in rule 49 of the Civil Services (Classification, Control and Appeal) Rules (*vide* paragraph 1 of Appointment Department's notification no. 2627/II—264, dated August 3, 1932), and mentioned below except removal or dismissal, subject to a preliminary report regarding suspension being submitted to the Director of Panchayats immediately the order suspending a Panchayat Inspector is passed—

(i) censure,

(ii) withholding of increments or promotion including stoppage at efficiency bar,

(iii) reduction to a lower post or time-scale or to a lower stage in time-scale,

(iv) recovery from pay of the whole or part of any pecuniary losses caused to Government by negligence, or breach of orders.

(b) To sanction six weeks' earned or other leave and to promote any Panchayat Secretary or clerk, possessing the requisite qualifications in that leave vacancy pending arrival of the person appointed to officiate as Panchayat Inspector.

(c) With the permission of the Director, Panchayat Raj, U. P., to make such changes as are necessary in respect of areas assigned to Panchayat Inspectors.

(2) In respect of ministerial and inferior staff under the Panchayat Office:

(a) To appoint, remove or dismiss the Head Clerk.

(b) As the District Magistrate is himself the appointing authority in respect of clerks and peons of Panchayat Inspectors and District Panchayat Officers, he is, therefore, empowered to inflict on such staff all the penalties enumerated in rule 49 of the Civil Services (Classification, Control and Appeal) Rules. The District Magistrate may, if he likes, delegate all such powers except removal and dismissal, to the District Panchayat Officer. Where powers have been so delegated to the District Panchayat Officer the appellate authority in such cases will be the District Magistrate and a second appeal will lie to the Director of Panchayats. If the District Magistrate passes an original order of punishment or enhances a punishment awarded by the District Panchayat Officer an appeal will lie to the Director of Panchayats.

G.O.no.
5132/PRD
(5)-96-51,
dated July
21, 1951.

(3) To hear appeals made by Panchayat Inspectors or by ministerial or inferior staff against orders of the Assistant District Panchayat Officer and to pass such orders thereon as are appropriate.

(4) To issue such instructions as are necessary with regard to appeals made to the Director or to Government.

935. The District Panchayat Officer shall have the following powers:

**Powers of District
Panchayat Officer.**

(a) to grant Panchayat Inspectors all leave other than casual up to a period of four weeks;

(b) to transfer Panchayat Inspectors from one area to the other;

(c) to pass, amend, or reject travelling allowance bills of Panchayat Inspectors received through the Assistant District Panchayat Officer;

(d) to grant all leave to the Panchayat Office Head Clerk and to promote any clerk in such leave vacancy;

(e) to inflict any prescribed punishment on the Head Clerk except removal or dismissal;

(f) to make annual entries in the character rolls of the Head Clerk on the basis of his own knowledge and having regard to any remarks made by the Assistant District Panchayat Officer;

(g) to appoint any suitable Panchayat Secretary or clerk having the requisite qualifications in a leave vacancy of a Panchayat Inspector for a period not exceeding four weeks and until

such time as the person duly appointed to that post arrives to take over charge;

(h) to hear any appeals made by Panchayat Secretaries, the Head Clerk, clerks or peons against orders passed by the Assistant District Panchayat Officer and to pass orders thereon as deemed proper.

Cir. no.
5132/PRD
(5)-96-51,
dated, July
21, 1951.
G.O.no.
8387/PRD
(5)-96-51,
dated
December
29, 1951;
and
G.O.no.
2007/
XXXIII-
322-53,
dated July
9, 1953.

936. The Assistant District Panchayat Officer shall have the following powers and duties subject to the general control and direction of the District Panchayat Officer:

• Powers of Assistant District Panchayat Officer.

(a) He will be in charge of the District Panchayat Office and will be responsible for all correspondence to and from Government or the Director of Panchayat Raj : correspondence concerning reports and inquiries and other aspects of panchayat work may be sent to the Director through the District Planning Officer.

(b) He will exercise the following powers in respect of staff:

(i) To grant casual leave except to clerks and peons of the Panchayat Inspector.

(ii) To grant all leave other than casual to all clerks and peons.

(iii) When authorised by the District Panchayat Officer to inflict any punishment on clerks other than removal or dismissal.

(iv) to make entries in character rolls of clerks and peons except that certificates of integrity shall not be granted by the Assistant District Panchayat Officer.

(v) To transfer clerks or peons within the district to posts in the same grade.

(vi) To appoint and inflict all punishments on peons in accordance with the rules.

(c) He will approve tour programmes of Panchayat Inspectors and inspect their diaries and take action thereon.

(d) He will make surprise visits and inspections in the circle of Panchayat Inspectors and Secretaries and also visit Gaon Sabhas and Panchayati Adalats so as to guide and instruct them. In addition, surprise inspections should also be made of the work of Panchayat Inspectors and any action required taken. For this purpose he will tour for 15 days every month of which at least 8 nights will be spent in villages.

937. All appointments to temporary posts including those of

G.O.no.
6629/PRD
(5)-141-51,
dated
October 4,
1951.

Nature of appointments to temporary posts.

accountants and account clerks created in connection with Panchayat Raj work should be made in a substantive capacity and the incumbents, other than those who are appointed as substitutes in leave vacancies, should be treated as holders of those posts in a substantive capacity with effect from October 1, 1951,

within the meaning of the orders of the Governor regarding Fundamental Rule 26 (d) of the Financial Handbook, Volume II, Part II.

938. (1) Panchayat clerks under the control of the District Panchayat Officers, when appointed to officiate in the leave vacancies of Panchayat Inspectors in cases where leave reserve Panchayat Inspectors are not available, will be entitled to travelling allowance at ordinary rates only for journeys performed in proceeding (a) from their place of posting to another place in order to relieve an Inspector of the regular line and (b) on reversion for the journeys back to their normal headquarters on termination of their arrangement. They will, however, not be entitled to daily allowance for halts at the headquarters of Panchayat Inspectors relieved by them.

G.O.no.
683/
XXXIII-
213(3)/51,
dated
February
20, 1953.

(2) Government servants employed on work connected with Gaon Sabhas and Panchayats should be paid dearness and city compensatory allowances in accordance with the general rules applicable to their class.

Circular no.
1105/PRD-
7-48, dated
July 27,
1948.

939. The District Officer is required to submit confidential reports to the Director of Panchayats on all Panchayat Inspectors in his district and which should be made in accordance with the instructions given in Appointment Department O. M. no. C. R. 186/II-A—38-1949, dated September 28, 1950. In making the report comments should also be made on the following matters :

D.O.no.
4455/PRD
(5)-122/51,
dated June
22, 1951.

- (a) Carefulness with regard to duties.
- (b) Ability to tour in his area.
- (c) Ability to control subordinates.
- (d) Relations with colleagues and the general public.
- (e) Any other important facts, such as, his success in executing the Department's programme, carefulness in sending reports, etc.

The above reports should be furnished in respect of Panchayat Inspectors including those transferred during the course of the year and also in respect of new arrivals provided they have been in the district for at least three months.

Chapter LXXXIX—Panchayat Funds and Accounting Procedure

G.O.no.
4533/PRD-
119(3)/51,
dated
December
10, 1951.

940. The District Magistrate has been declared the drawing and disbursing officer in respect of the entire Panchayat Raj establishment (including the Assistant District Panchayat Officer) of his district, for the purpose of their pay and allowances and in respect of contingencies for the office. The District Magistrate has been permitted to authorise the District Panchayat Officer to draw bills on the District Magistrate's behalf under paragraph 17 (g) of the Financial Handbook, Volume V, Part I, if it is expedient to do so in view of the separation of the District Panchayat Office from the Collectorate and its location in the District Planning Office.

G.O.no.
4101/PRD-
(3)82/50,
dated
December
6, 1959.

941. To enable proper custody of panchayat funds sanction has been accorded to the opening of two sets of personal ledger accounts in each district in the name of the District Panchayat Officer in his official capacity, under paragraph 340 (b) (ii) (2) of the Financial Handbook, Volume V, Part I and for the operation of those accounts the following rules of procedure have been prescribed under rule 179 of the Panchayat Rules:

(1) There shall be a District Gaon Fund in each district and the District Panchayat Officer will open a banking account therefor in the district treasury. There shall likewise be another personal ledger account opened by the District Panchayat Officer, which will be called "The District Panchayati Adalat Account". All transactions of Gaon Panchayats will be operated through the District Gaon Fund and those of the Panchayati Adalat through the District Panchayati Adalat Account.

(2) Every District Panchayat Officer shall maintain two sets of separate registers in the undernoted form, one for the District Gaon Fund and the other for the Panchayati Adalat Account. He will place all remittances of income for the Gaon Panchayat and Panchayati Adalat, as received by him, to the debit of and all withdrawals to the credit of the relevant personal ledger account. Every Gaon Panchayat or Panchayati Adalat shall be allowed a sufficient number of pages in the register concerned for record of their receipts and disbursement:

1st folio

2nd folio

Name of Gaon Panchayat or Panchayati Adalat.....

District

Date	Chalan no.	Amount debited	Date	Voucher	Amount credited

(3) Presidents of Gaon Sabhas and Sarpanches of Panchayati Adalats are authorised under rule 179(1) of the Panchayat Raj Rules to keep a permanent advance of Rs.25 each out of the Gaon Fund and Panchayati Adalat Account respectively. Whenever, therefore, the collections of Gaon Panchayats and the proceeds of fees and fines realized by Panchayati Adalats exceed the prescribed limit of Rs.25 at the end of any month or Rs.100 during the month, the balance must forthwith be remitted for deposit in the relevant personal ledger account of the district at the district treasury or sub-treasuries; thus deposits will be made by the President, or the Sarpanch, as the case may be, either by going to the treasury or sub-treasury personally, or through the Panchayat Secretary or Panchayat Inspector of the circle, or by money order according to convenience and the safety of the funds.

(4) The President and Sarpanch should meet the necessary day-to-day expenses from their authorised advances. In case, however, they require money in excess of that in hand, a Gaon Panchayat resolution sanctioning the expenditure or the authorisation of the Sarpanch to incur the expenses shall be sent to the District Panchayat Officer who will then withdraw money accordingly from the treasury and send it through the same agency as prescribed in sub-paragraph (3) above, to the President or the Sarpanch concerned for disbursement. It must, however, be clear that a Sarpanch or a President can authorise only those items of expenditure for which provision has been made in the budgets of Gaon Panchayats of his circle in terms of sections 41 and 39 of the U. P. Panchayat Raj Act read with rule 215 framed thereunder.

(5) The President and Sarpanches shall send a monthly statement of income and expenditure by the end of the first week of the following month to the District Panchayat Officer. The Personal ledger account of the District Gaon Fund and Panchayati Adalat Accounts shall be reconciled with the treasury pass-book and the monthly statement of the Gaon Panchayat and Panchayati Adalats.

These instructions should be noted and understood by all concerned.

942. (1) Ordinarily cash receipts of Panchayati Adalat would

Direct appropriation of receipts to expenditure and accounting procedure.

have to be credited to the State revenues and subsequently disbursed but as this procedure would be cumbersome and likely to give rise to difficulty in actual working, sanction has been accorded to expenditure being met from receipts under rule 7(2) of the U. P. Treasury Rules contained in Appendix II of the Financial Handbook, Volume V, Part I. This exception made is in respect of fees and fines, etc., realized by the Sarpanch of Panchayati Adalats, thus enabling direct appropriation of departmental receipts to departmental expenditure in the case of panchayats. The existing exceptions (k) and (n) under rule 7(2) of the Treasury Rules having

G.O.no.
125(3)/PRD
-116/49,
dated
January 19,
1952.

become obsolete they have been deleted and substituted by the new exception (k) which reads as follows :

“In case of court fees and fines realized by Panchayati Adalats under the U. P. Panchayat Raj Act, 1947, for the payment of remuneration to persons (1) employed in writing or preparing copies of the records, registers, summons, etc., or (2) employed in serving warrants of arrest, summons, notices, and in carrying out orders for seizing, selling and delivering property attached, or (3) on account of expenditure on office contingencies, etc., and (4) for disbursement of the balance to the Gaon Sabhas situated within the jurisdiction of the Panchayati Adalat.”

(2) As a consequential measure the following accounting procedure has been prescribed in respect of receipts on account of fees and fines realized by Sarpanches of the Panchayati Adalats :

(a) A Panchayati Adalat shall maintain an account of its income and expenditure in Form no. 6, as prescribed in the U. P. Panchayat Raj Rules.

(b) Each Adalat shall keep a classified abstract of its income from fees and fines, etc., in Form A at the end of this chapter. All income as accounted for in the account book of the Adalat shall be posted in the classified abstract.

(c) From this abstract each Adalat shall prepare a statement of the amount received by it during each quarter ending June 30, September 30, December 31, and March 31. This statement shall be prepared in the annexed Form B and submitted to the District Panchayat Officer concerned through the Inspector immediately after the close of the quarter.

(d) The statement so received by the District Panchayat Officer will be consolidated into a single statement showing the total of receipts for the quarter reported by the Panchayati Adalats and the consolidated statement shall be sent to Government in the Panchayat Raj Department within fifteen days of the close of the quarter.

(e) The Panchayat Raj Department should, then, within twenty-five days from the close of the quarter to which these receipts relate, report to the Accountant General, U. P., the total amount of these receipts for each quarter ; and the latter will then incorporate the transactions in the State Account by credit to the head “XLVI—Miscellaneous—XLVI-C—Miscellaneous—Receipts from court fees and fines realized under the Panchayat Raj Act” and the grants or contributions to Gaon Sabhas by debit to the head “25—General Administration—District Administration—Contribution to Gaon Sabhas on account of receipts from court fees and fines realized under Panchayat Raj Act.”

(f) The receipts in respect of the last quarter of the financial year will be incorporated by the Accountant General, U. P., in the March (Supplementary or Final) accounts. The Panchayat Raj Department should, therefore, ensure that the statement in respect of the last quarter of each financial year reaches the office of the Accountant General, U. P., by April 25.

943. As Government have undertaken responsibility for the pay of Panchayat Secretaries the surplus income of Panchayati Adalats in excess of their expenditure should not be distributed among the Gaon Sabhas but should remain deposited in the personal ledger account of the Panchayati Adalats.

G.O. no.
643/
XXXIII—
116-49,
dated April
25, 1953.

FORM A

Classified abstract showing receipts of Panchayati Adalat during
19 .

Name of Panchayati Adalat.....

Name of Tehsil

Name of District.....

Serial no.	Head and item	April	May	Progressive total	June	Progressive total and so on
Income from—						
I. Civil Suits—						
	(1) Fees ..					
	(2) Fines ..					
II. Criminal Cases—						
	(1) Fees ..					
	(2) Fines ..					
III. Revenue Pro- ceeding—						
	(1) Fees ..					
	(2) Fines ..					
IV. Income from other sources—						
	Copying fee and Miscellaneous ..					

FORM B

Quarterly statement of the receipts of Panchayati Adalats

Name of Panchayati Adalat.....

Name of Tehsil.....

Name of District

Serial no.	Particulars of receipts	Amount
	Income from Civil Suits—	
	(1) Fees	
	(2) Fines.....	
	Income from Criminal cases—	
	(1) Fees	
	(2) Fines.....	
	Income from Revenue proceedings—	
	(1) Fees	
	(2) Fines.....	
	Income from other sources—	
	(1) Copying fee	
	(2) Miscellaneous	

	Total ..	
	Closing balance of last quarter ..	

	Progressive total ..	

Sarpanch.

XXXIV—PETITIONS DEPARTMENT

Chapter XC—Petitions and Complaints

A—Instructions for the disposal of petitions and complaints in general

944. (1) (a) All letters or petitions received from private persons, firms and societies other than those received through Government should receive a prompt reply or acknowledgment unless they are themselves replies and call for no further action.

(b) If a reply disposing of such letters or petitions cannot be sent immediately an interim acknowledgment or reply should be sent, saying that the matter is under consideration.

This rule is important and should be invariably observed.

(2) Petitions and complaints received from the public, whether received by the officer direct or forwarded by Government should receive sympathetic consideration, and be dealt with as quickly as possible in a spirit of helpfulness and service, cutting out red-tape and undue formality as much as possible. Heads of departments and heads of offices in districts should invariably give their personal attention to any complaints that may be brought to their notice and make every effort in cases where the complaint appears justified to find out the facts and to give redress as speedily as possible. In cases where it is not possible for adequate reasons to concede a request contained in a petition or to remove or rectify an alleged grievance, the reasons should be communicated in polite language to the petitioner or complainant.

(3) No action need be taken on anonymous and pseudonymous complaints. Only those petitions and complaints should be dealt with which are signed by the sender and also contain his full postal address at which he may be found.

NOTE—It is usually easy on a careful reading to see whether the name given at the end of a petition is fictitious, but if there is any doubt about the genuineness of a signature on a petition or complaint a post-card should be sent to the writer asking him to substantiate his allegation. If the name of the writer is fictitious no reply will be received from him and it will not be necessary to pursue the matter further.

(4) Petitions which are frivolous or scurrilous or contain insulting language or deal with petty and unimportant matters may ordinarily be disregarded and destroyed. Likewise, if a petition relates to a matter which can be decided only by a court of law, the petitioner should be informed accordingly. If a petitioner asks for the reversal of a decision given by a law court or refers to a matter which is *sub judice* the petitioner should be told that Government cannot interfere and that it is open to him to appeal to a higher court.

(5) Where it is necessary to call for a report on any petition or complaint, it is usually advisable to fix a time-limit, within which the report should be received. In all such cases the officer making the enquiry must try to complete it and submit his report by the date fixed.

G.O. no.
4504-E/XX
—121-1947,
dated
September
19, 1947.

G.O. no.
6597/Ptn-
145-1948,
dated July
30, 1948.

D.O. no. A-
1986/XXV
—CX, dated
May 16,
1950.

G.O. no.
5070E/XX
—2-1950,
dated July
25, 1950.

G.O. no.
5288-M/XX
—317-51,
dated
September
11, 1951.

B—Instructions for the disposal of and inquiry into complaints against government servants

945. The undernoted instructions will be followed in respect of petitions and complaints made by members of the public against government servants. These instructions relate to preliminary inquiries arising from complaints made and are not concerned with disciplinary or judicial proceedings which are to be dealt with according to the law and rules applicable :

(1) (a) Petitions or complaints may be addressed to—

- (i) Members of Government.
- (ii) Secretariat Officers.
- (iii) Departmental Officers.
- (iv) District Complaints Officers.

(b) If a complaint is received by a Member of Government against a government servant not under his administrative control, the complaint will be transferred to the Petitions Officer at the headquarters of Government, unless the Minister refers it to the Minister concerned.

(2) The Petitions Officer will submit complaints relating to gazetted officers to the Secretary in the Administrative Department concerned with a note on a printed form containing the following particulars :

(a) The name and designation of the officer complained against.

(b) The name and address of the complainant.

(c) Whether the complaint is about the integrity of the officer or his unseemly behaviour.

The Secretary will then, if he is satisfied that an enquiry by an officer concerned with General Administration is needed, submit the papers to the Minister in charge, together with his recommendation. If the Secretary does not consider that an enquiry by an officer in charge of General Administration is required, he will return the papers to the Petitions Officer who will send them to the head of the department concerned.

(3) In every district the District Officer will specify, in consultation with the Anti-Corruption Committee of the district, a Magistrate to receive, on working days at fixed hours, complaints against all classes of officials posted in the district. Such officer will be known as the District Complaints Officer. This officer will receive only complaints bearing on integrity or unseemly behaviour. In respect of complaints bearing on integrity, the District Complaints Officer shall record on oath the statement of the complainant. The statement shall be read over to the complainant and signed by him. Complaints not bearing on integrity or unseemly behaviour will be returned by the District Complaints Officer for presentation to the local head of office concerned.

(4) In every district it shall be the duty of each local head of office to have a locked box, with a slit, for receiving all complaints against government servants under his control. Members of the public may put their complaints into the box and it shall be the duty of the head of office to have the box opened in his presence the next day and the complaints taken out for disposal by him.

(5) In respect of the complaints received by the District Complaints Officer under instruction (3) of this para. it shall be his duty to send the complaints after taking action under that instruction to the local head of office concerned. If the complaint relates to a gazetted officer, the District Complaints Officer will forward it, not to the local head of office, but to the head of the department concerned.

(6) The District Complaints Officer will maintain a register in the form below in respect of all complaints received by him :

Register of complaints against government servants to be maintained by the District Complaints Officer

Serial no.	Date of receipt	Name and address of complainant	Name and designation of government servant complained against	Nature of complaint	Name and designation of head of office or department to whom complaint despatched	Date of despatch of complaint	Remarks
1	2	3	4	5	6	7	8

(7) Each head of office will maintain a register in the form below showing the receipt of complaints and the officers to whom the complaints are entrusted for enquiry. In the Secretariat the Petitions Officer will maintain a similar register in the form prescribed :

Register of complaints against government servants to be maintained by the Head of Department or Head of Office

Serial no.	Date of receipt	From whom received	Name and address of complainant	Name and designation of government servant complained against	Nature of complaint	Name and designation of officer to whom complaint entrusted for enquiry	Date on which complaint made over for enquiry	Date of receipt of enquiring officer's report	Summary of orders finally passed with date
1	2	3	4	5	6	7	8	9	10

(8) The procedure to be adopted by all enquiring officers to whom any authority entrusts a complaint for enquiry will be to examine the complainant and record his statement first. It will be open to the enquiring officer to put to the complainant any question he may consider necessary.

(9) In all enquiries endeavour will be made by the enquiring officer to complete the enquiry and to send the report of the result to the authority from whom the complaint was received within a period of six weeks.

(10) Authorities empowered to direct enquiries will entrust the enquiry to an officer next above the immediate officer to whom the official complained against is subordinate, e.g., an enquiry against a police constable will be made by a sub-inspector and not the head constable, against a sub-inspector by the deputy superintendent of police and not by the inspector of police. This restriction shall, however, apply only to complaints about the integrity of a government servant or his unseemly behaviour.

(11) On receipt of a report from the enquiring officer it will be for the appropriate authority to decide whether any further action is needed in the nature of disciplinary action or criminal prosecution. If so, the proceedings will thereafter be conducted according to the relevant rules on the subject.

(12) Proceedings against members of the police force have to be dealt with under section 7 of the Police Act. But in cases where they have to be prosecuted in court, the existing restriction that only the District Magistrate and/or senior Magistrates should try such cases will not be applicable and such cases may be dealt with by the Magistrate having jurisdiction.

XXXV—PLANNING DEPARTMENT

Chapter XCI—State and District Organization

946. A State Planning Commission consisting of the two following bodies has been set up at the headquarters of Government:

G.O.no.
5403-It/D.C
617-1950,
dated July
15, 1950.

- (1) The State Planning Board, and
- (2) The State Planning Committee.

947. (1) The State Planning Board will consist of—
Composition and functions of the State Planning Board.

- (i) The Chief Minister—Chairman.
- (ii) Ten non-official representatives nominated by Government, one from each revenue division.
- (iii) Ten economists from among Professors of Universities (who may be experts possessing specialized knowledge and experience) and other non-officials interested in development, nominated by Government.
- (iv) Members of the State Planning Committee.

The Secretary of the State Government in the Planning Department will be the Secretary to the Board.

(2) The Board will be the chief consultative body to advise Government on the broader questions of planning, such as the lines on which a long term plan for the State should be drawn up, its content, the phases in which it should be executed and the role which non-official agencies can play in the execution of its programmes.

948. (1) The State Planning Committee will consist of the Chief Secretary as Chairman, the Secretaries to Government (including Secretaries other than those of development departments) and the Secretary of the Planning Department as Member-Secretary. This Committee will prepare and check material for the drawing up of a composite plan for the State and lay it before the Board and Government for consideration. The departmental plans, including the plans received from District Planning Committees, will be examined and submitted by the respective Heads of Departments to the appropriate Secretaries. After preliminary scrutiny by the departments concerned, the plans will be considered by the Planning Committee which will ensure that they meet the declared objectives and have been drawn up in conformity with the accepted policy and in accordance with the instructions of the Central and State Governments and of the Board. The Committee will keep in view the financial and other resources of Government and the essential demands on these resources for the maintenance and efficient work of non-development departments. The Committee will suggest priorities for the various phases of the plan where this is necessary, and the agency to be entrusted with the execution of each programme

of the plan. The Committee will also be required to obtain and submit, periodically, for the consideration of the Board and of Government, progress reports on the achievement of the targets fixed, and its suggestions for alterations in the programme in the light of changing circumstances or experience.

(2) The State Planning Committee may constitute such Sub-Committees as it may consider necessary for the discharge of its functions and in particular, for assessing existing resources of (a) materials, (b) power, (c) finances, and (d) man-power, and for allocating them to the various programmes of the sanctioned Plan.

949. At the headquarters of each district there will be a District Planning Committee constituted as follows :

District Planning Committee.

G.O.no.
1857-P/39-P/
50, dated
October 1,
1952.

G.O.no.
2037/XII.
G—39-P-50,
dated
November
21, 1952.

G.O. no.
1893-P/152-
P-52, dated
November
18, 1952.

G.O.no.
2090-P/XII-
G—39-P-50,
dated
December
5, 1952.

G.O.no.
2080-P/152-
P/52, dated
December
10, 1952.

G.O. no.
2217-152-P/
52, dated
December
29, 1952.

G. O. no.
117P/XII-
G—152-P/52,
dated
December 7,
1952.

G. O. no.
253-P/
XXXV—
53, dated
July 15, 1953

G. O. no.
1760-P/
XXXV,
dated
September
4, 1953.

(1) All Members of Parliament, Members of Council of States, Members of Legislative Assembly and Members of Legislative Council representing the district or resident therein (with suitable adjustments to avoid double commitments in more districts than one).

(2) A Harijan member nominated by Government in case there is no Harijan member of Parliament, Member of Legislative Assembly or Member of Legislative Council from the district.

(3) One lady social and constructive worker nominated by Government, if there is no lady Member of Legislative Assembly or Member of Legislative Council.

(4) Three non-officials to be appointed by Government.

(5) President of the District Board—Vice-Chairman.

(6) Two members nominated by the District Board.

(7) President or Vice-President of the District Co-operative Bank (if the President is the District Magistrate himself).

(8) President or Vice-President (if the President is the District Magistrate himself) of the District Co-operative Development Federation.

(9) All Chairmen of Municipal Boards, Town Areas and Notified Areas.

(10) Representatives of Gaon Sabhas—one Pradhan from each Panchayat Inspector's circle.

(11) A representative of each Cane Marketing Society in the district.

(12) A representative of the Bharat Sewak Samaj.

(13) Non-official members of the State Planning Board resident in the district.

(14) Officials:

(i) District Magistrate—Chairman.

(ii) District Planning Officer—Secretary.

(iii) All Sub-Divisional Officers, the District Supply Officer, the senior officer in the district from the Public Health Department and Education Department, the senior officers from each of the Irrigation, Public Works Department (Buildings and Roads) and Hydel Divisions or sub-divisions in the district so that the entire area of the district is covered by the representation of the senior officers of these departments in the districts.

(iv) The Civil Surgeon.

(15) All Krishi Paudits.

The District Magistrates may recommend to Government a panel of names for the District Planning Committee in accordance with the constitution above. In the case of items (2) and (3) if there is no Harijan or lady Member of Legislative Assembly or Member of Legislative Council they may send three names with recommendations for the selection of one. In the case of item (4) they may include representatives of industry and labour and small-scale cottage industries, where necessary and recommend a panel of four names for Government's approval.

950. The functions of the District Planning Committee will be generally:

Functions of the District Planning Committee.

G.O. no.
1857-P/
39-P-50,
dated
October 1,
1952.

(1) To make a plan for the district, with specific targets and time schedules, in keeping with local needs and resources and in keeping also with the State Plan.

(2) To fix priorities within the Plan.

(3) To review the progress of the execution of the Plan, once in each quarter, and in case of any shortfall in the execution to assess and assign the causes for it.

(4) The fourth and the most important function of the Planning Committee will be to ensure the successful and satisfactory execution of schemes by enlisting the co-operation of non-officials and to enlarge the scope of the district plan by creating popular support and enthusiasm for the plan and by inspiring ideals of self-help and self-reliance.

951. An Executive Committee will be constituted for each District Planning Committee as follows:

District Executive Committee.

(1) All officials of the District Planning Committee as shown at item (14) in para. 949. The District Magistrate will be Chairman and the District Planning Officer the Secretary.

(2) President, District Board—Vice-Chairman.

(3) One of the three non-officials mentioned at item (4) of para. 949 to be nominated by Government.

(4) One representative of the Municipal Board.

(5) One representative of Co-operatives.

(6) Two from amongst Members of Parliament, Members of Council of States, Members of Legislative Assembly and Members of Legislative Council.

(7) The Harijan worker (where there are more than one Harijan Member of Parliament, Member of Council of States, Member of Legislative Assembly or Member of Legislative Council, all Members of Parliament, Members of Legislative Assembly and Members of Legislative Council, both Harijan and non-Harijan, should elect the Harijan representative).

(8) The lady worker.

(9) One representative of Gaon Sabhas.

The representatives at items (4) to (6) and (9) will be elected by the respective groups in paragraph 949 above.

The representative at item (3) will be selected by Government.

952. The District Magistrate will have a staff committee consisting of the District Planning Officer, Sub-Divisional Officers and Assistant District Planning Officers including the local senior gazetted officers of the Agriculture, Animal Husbandry and such other Departments as the District Magistrate may consider necessary. He will be the Chairman and the District Planning Officer the Secretary of the Committee.

**District Staff
Committee.**

G. O. no.
163-P/XIIG,
dated April
25, 1953.

953. (1) There will be an Irrigation Sub-Committee of the District Planning Committee consisting of the under-noted members :

**Irrigation Sub-
Committee.**

G. O. no.
1584-P/
XXXV,
dated August
13, 1953.

(a) The Chairman and the Vice-Chairman of the District Planning Committee.

(b) All members of the State Legislature residing in the district.

(c) All Executive Engineers of the Irrigation Department stationed at the headquarters of the district.

(d) The District Planning Officer.

(e) Special Land Acquisition Officers of the Irrigation Department.

G. O. no.
1349-P/
XXXV, dated
August 27,
1953.

The Chairman and the Vice-Chairman of the District Planning Committee will be Chairman and Vice-Chairman respectively of the Irrigation Sub-Committee. The Special Land Acquisition Officers of the Irrigation Department will be co-opted members of the Irrigation Sub-Committees. Executive Engineers who do not stay at the district headquarters but have jurisdiction in that district may also be co-opted as members of the Sub-Committee so that proposals pertaining to their jurisdiction may receive due consideration.

(2) The District Planning Officer will be the convener of the Sub-Committee. It shall meet every two months to discuss and find out ways and means to redress the grievances of the cultivators and the recommendations of the Sub-Committee shall be forwarded to the Executive Engineers concerned, who will give effect to such recommendations as are within their competence and refer the rest without delay with their comments to the Superintending Engineer for approval or orders.

954. (1) There will be a District Harijan Sahayak Sub-Committee of the District Planning Committee consisting of the following members:

G. O. no.
1514/XXVI-
34/53, dated
July 29,
1953.

- (a) District Magistrate—Chairman
- (b) Superintendent of Police.
- (c) President of the District Board.
- (d) Scheduled Caste Members of Legislative Assembly and Members of Legislative Council residing in the district.
- (e) District Inspector of Schools.
- (f) Probation Officer (wherever posted).
- (g) Secretary to the Prohibition Board or the Temperance Societies (as the case may be).
- (h) Members of the State Harijan Sahayak Board residing in the district (nominated in Government notification no. 2746/XXVI—47-48, dated October 25, 1952).
- (i) Two Scheduled Caste representatives of the District Boards in the district to be nominated by the District Magistrate.
- (j) One Scheduled Caste representative of Municipal Boards in the district to be nominated by the District Magistrate.
- (k) Two other Scheduled Caste and other backward class representatives to be nominated by the District Magistrate.
- (l) Not more than two other persons interested in the welfare of the Scheduled Castes, backward classes and ex-criminal tribes to be nominated by the District Magistrate.
- (m) District Planning Officer—Secretary
- (n) Regional Harijan Sahayak Officer (wherever posted)—Joint Secretary.

(2) The functions of the District Harijan Sahayak Sub-Committee will be as follows :

(a) To work for the general welfare of Harijans and backward classes and to advise the State Harijan Sahayak Board on matters pertaining thereto.

(b) To advise the Municipal Boards, Town Area Committees, Development Boards and District Boards to promote the welfare of Scheduled Castes and backward classes through—

(i) grant of educational facilities to children of these classes in the form of fee concessions, award of stipends and scholarships and non-recurring assistance for the purchase of books, payment of examination fees, etc ;

(ii) providing for their vocational and technical education ;

(iii) construction of wells, tanks and roads in areas inhabited by Harijans ;

(iv) implementing such provisions of the U. P. Removal of Social Disabilities Act, 1947, as lie within their jurisdiction ; and

(v) making suitable arrangements for the recreational, cultural and personal welfare of Scheduled Castes.

(c) To advise the Regional Harijan Sahayak Officer, the District Panchayat Raj Officer, the District Inspector of Schools and the Deputy Inspector of Schools in the award of stipends, scholarships and miscellaneous non-recurring assistance to Scheduled Castes and backward classes.

(d) To adopt such measures for the welfare of these classes as may be approved by the Government from time to time.

(3) The Sub-Committee shall meet once in every quarter but in emergency it may meet oftener. The Sub-Committee is authorized to co-opt, when necessary, for a particular meeting, not more than two other persons connected with or interested in the welfare of the Scheduled Castes, backward classes and ex-criminal tribes.

G.O. no. 234-
P/XXXV,
dated June
11, 1953.

955. Every District Planning Committee should set up a Sub-Committee to formulate plans for the development of cottage industries. The Sub-Committee will be free to co-opt such persons as members who possess special knowledge of the subject and the main function of the Cottage Industries Sub-Committee will be to make a survey of the district, to ascertain what cottage industries can succeed in local areas and to prepare schemes for their development. The District Planning Officer is responsible for the establishment of the Sub-Committee and for the work of preparing schemes for cottage industries suitable to the needs of the district.

**Cottage Industries
Sub-Committee.**

956. (1) The Project Advisory Committee will be formed for each of the following Community Project Areas :
Constitution of Project Advisory Committee.

G. O. no. 46-R/XII-G-500(7)-1952, dated May 14, 1953 and G. O. no. 46-R/XXXV-500(7)/1952, dated June 8, 1953.

- (i) Almora—Garhwal.
 - (ii) Jhansi.
 - (iii) Etah—Mainpuri—Farrukhabad.
 - (iv) Faizabad—Sultanpur.
 - (v) Ghazipur—Ballia—Azamgarh.
 - (vi) Gorakhpur—Deoria.
- (2) The Committee will consist of the following :
- (i) All members of the District Planning Committee who are residents of the Community Project Area.
 - (ii) All Sarpanches of Co-operative Societies in the Project Area.
 - (iii) One representative of each Block Committee in the area formed under Planning Department's letter no. 405-P/65-P-50, dated February 28, 1951, and approved by the District Planning Committee.
 - (iv) All Members of Legislative Assembly, Members of Legislative Council and Members of Parliament residing in or representing the Project Area or any portion thereof.
 - (v) President, District Board and all members of the District Board belonging to the Community Project Area.
 - (vi) Officials of different development departments of the level of Group Level Workers in the Project Area ; and whenever it is essential, also the District Level Workers.
 - (vii) Five members nominated by Government. The Deputy Project Executive Officer of the Community Project will be the *ex-officio* Secretary of the Committee and the District Magistrate or his nominee shall be the Chairman. The five members to be nominated by Government will be selected from among the leading agriculturists and social workers residing in the Project Area. It should also include the names of members of the District Congress Committee residing in the area. If there is a member of the Bharat Sewak Samaj residing in the area, his name should be sent to Government. In case, however, there are more than one member, so residing, the name of the member selected by the District Bharat Sewak Samaj should be reported to Government.
- (3) The functions of the Project Advisory Committee will be to advise and assist the Project Staff in the planning and execution of the programme of the Community Projects in accordance with the instructions issued by Government from time to time. The Committee shall be an advisory body and shall have no financial or executive functions. It shall be independent of the District Planning Committee.
- (4) No travelling allowance or daily allowance will be paid to the members of the Project Advisory Committee for attending the meetings.

G.O. no.
1801-P/
XXXV—
152P/1951,
dated
September
12, 1953.

957. The term of the District Planning Committees will be for three years with effect from the date of their reconstitution, i.e., October 1, 1952. The term of all the sub-committees of the District Planning Committees will be for one year with effect from the date of the Government Orders constituting them or from October 1, 1952, whichever date is later.

Term of District Planning Committees and their Sub-Committees.

G.O.no.
2016-R/
XII-G—
1953,
dated April,
21, 1953.

958. The work of field publicity carried out by the District Information Officers has been transferred to the Planning Department. Hence the District Information Officers and their staff in the districts will be under the control of the Development Commissioner, Uttar Pradesh, who will be responsible for the work of publicity and propaganda in the district which was previously done by the District Information Officer under the Director of Information, Uttar Pradesh.

Field Publicity.

G.O.no.
401-P/62-P/
50, dated
February
28, 1951.

959. (1) The District Officer will be responsible for securing the co-ordination and co-operation in the preparation and execution of the district plans of officers and staff of all departments concerned posted in his district. The District Magistrate will exercise sufficient control over such staff of the under-mentioned departments in the manner indicated in (a), (b) and (c) below :

Control by District Magistrates.

Departments

- | | |
|--|-------------------------------|
| 1. Education | 9. Agriculture |
| 2. Public Health | 10. Agricultural Engineering |
| 3. Medical | 11. Co-operative |
| 4. Public Works Department (Buildings and Roads) | 12. Animal Husbandry |
| 5. Public Works Department, Irrigation Branch | 13. Cane Development |
| 6. Economics and Statistics | 14. Harijan Sahayak |
| 7. Industries | 15. Information and Publicity |
| 8. Forest | 16. Prantiya Rakshak Dal |

(a) The District Magistrate will send annually his own confidential remarks on the officials in charge of the district work who are of the status of State Service, Class II, to their immediate superior officers with copies to the Heads of Departments concerned.

In the case of non-gazetted staff the District Officer may call for the character rolls for his inspection, and he may, if he considers necessary in any case, send his views to the appropriate departmental officer, who may, if he so chooses, incorporate those remarks in the character roll of the official concerned.

(b) As and when occasion may arise, the District Magistrate will suggest to the officer of the department concerned at district level to take steps for the suspension of any member of the staff. If the departmental officer is himself authorized under the rules to suspend the person reported against, he will do so in accordance with the prescribed procedure. If, however, the authority to issue a suspension order is higher than himself, the latter will make an immediate reference to that higher officer to take necessary action. Cases which require the orders of Government will be referred to them. In each case the District Magistrate will be kept informed by the departmental officer concerned of the action taken.

(c) In case of officers of the departments noted at items 9 to 16 above the functions of the District Magistrate under clauses (a) and (b) above may be exercised by the District Planning Officer with the approval of the District Magistrate.

(2) It must be remembered that the control and supervision to be exercised by the District Magistrate in accordance with the above sub-para. is not to be treated as diminishing in any way the responsibility of Heads of Departments and their district representatives for the proper working of development plans and other departmental activities in the district. The idea is that the special position of the District Magistrate should be effectively utilized in the furtherance of these plans without detracting from the responsibility of the departmental heads and officers. It will, in fact, be necessary for District Magistrates and Heads of Departments and their Range or Sectional Officers to remain in constant touch with each other with a view to resolve all possible difficulties that might arise in the execution of the various plans and schemes, and Heads of Departments are required to issue such instructions as are necessary for this purpose.

960. The District Planning Officer will be part of the district administration staff and shall have the following functions:

The District Planning Officer.

G.O. no.
42-P/39P/50,
dated
January 24,
1951.

(a) He will be Secretary of the District Planning Committee and its Executive Committee.

(b) He will be the District Panchayat Officer in order to assist planning and execution of programmes to be undertaken by Gaon Sabhas.

(c) The district departmental officers and the staff under them in the Agriculture, Food Production, Cane Development, Co-operative and Animal Husbandry Departments shall be under the direct control of the District Planning Officer so that he may make the most effective and efficient use of the field personnel for the implementation of district development schemes.

(d) He will be the Officer-in-charge of the Prantiya Rakshak Dal in the district.

(e) He will be in control of the District Information Office and will be in charge of district publicity.

(f) He will be in charge of the district work of the Harijan Sahayak Department.

(g) He will act as Secretary of the District Food Production Advisory Committee which will function as a sub-committee of the District Planning Committee.

(h) He will be responsible for the execution of district food production plans.

(i) In the case of all irrigation works not belonging to the Irrigation Department or other bodies the responsibility for the maintenance of which rests on the local people, he will see that adequate arrangements are made for their proper maintenance so that maximum use could be made of such facilities. He will also in consultation with the local irrigation staff, ensure that distribution of water from State Irrigation Works is timely and equitable.

(j) Subject to the approval of Government he may be entrusted with any other functions which will help him in his duties as District Planning Officer and in particular he will be in charge of the work of any other department whose staff is pooled and brought under his control.

G.O. no.
794/XII-G,
dated
February
16, 1953.

961. (1) The District Planning Officer has been authorized to operate on the budget provision for pay, travelling allowances, contingencies, and other incidental expenses in respect of the district staff of the Agriculture, Food Production, Co-operative, Cane Development, Prantiya Rakshak Dal and Harijan Sahayak Departments. The District Planning Officer will be the drawing and disbursing authority in respect of expenditure incurred out of the district budget provision of these departments and the countersigning authority for the travelling allowances bills of the non-gazetted staff pooled under them.

(2) The District Magistrate will be the controlling authority in respect of expenditure incurred out of the district budgetary allotments of the various Departments named above and is the countersigning authority in respect of travelling allowance bills of the gazetted staff brought under the administrative control of the District Planning Officer.

(3) To enable these officers to exercise the above powers, the Heads of the above mentioned Departments should make formal allotment of funds from the departmental budget concerned showing the detailed heads of account and the exact amount placed at the officers' disposal under each head. The expenditure to be incurred by these officers must be strictly confined to such allotments and the power of incurring expenditure will be regulated by the existing rules and orders on the subject. The allotments made should be invariably intimated to the Accountant General, Uttar Pradesh.

962. District Planning Officers are empowered to grant casual leave to officers under their administrative control and to this end Heads of Departments have, in respect of the officers concerned, delegated such powers to the District Planning Officer.

G.O.no.
794/XII-G,
dated
February
16, 1953.

963. In order to achieve unified control, all correspondence between the district departmental officers and their respective Heads or Sectional Heads of Departments and Range Officers will be routed through the District Planning Officer.

Grant of casual—
leave by District Plan-
ning Officer.

These instructions apply to correspondence between district departmental officers of the Agriculture, Food Production, Co-operative, Cane Development, Animal Husbandry, Prantiya Rakshak Dal, Harijan Sahayak and Agricultural Engineering Departments and the Heads or Sectional Heads and Range Officers of those departments. This arrangement will, however, be worked in such a manner as not to impair the technical control of the respective Heads of Departments over their departmental officers.

G.O.no.
42-P/39-P/
50, dated
January 24,
1951 and
G.O.no.
794/XII-G,
dated Feb-
ruary 16,
1953.

964. (1) The District Level Worker and the Group Level Worker of every department should be left free to look after the work pertaining to his department alone, except that when there is a special drive, such as Shramdan, tree plantation, etc., the staff of every department should join together in the common effort for short periods. Thus while Village Level Workers will be multi-purpose workers, Group Level and District Level Workers are not to be saddled with the responsibility relating to the departments other than their own. Each Group Level Inspector will be responsible to the District Level Worker of his department for the proper performance by himself and by the multi-purpose Village Level Workers of his own departmental functions. Similarly, the District Level Worker of a department will be held accountable for his own department's work in his district to his own Head of Department. It is imperative, however, that both the Group Level as well as the District Level Workers should work in close co-ordination with the workers of other departments. At the Group Level, councils may be set up on which the Group Level Workers of other departments should be represented. Neither the District Level Worker nor the Group Level Worker must be allowed to take shelter behind the District Planning Officer or his orders in any case in which the worker has neglected his own duties.

G.O.no.
794R/
XII-G—52/
53, dated
April 10,
1953.

(2) Although District Level Workers and Group Level Workers should be treated as functional specialists and left free to look after work pertaining to their departments, they should during the period of training and for training purposes continue to be included in the programme of training organized by the Department.

D.O.no.
2214R
XXXV—52.
53, dated
July 2,
1953.

Chapter XCII—Functions of the Prantiya Rakshak Dal in Relation to Development

G. O. no.
897-P/69-P/
1950, dated
May 16,
1951.
G. O. no.
7648-R/DC-
69P/1950,
dated Sep-
tember 12,
1952.

965. In order to mobilize the man-power of rural areas Govern-
ment have decided that the Prantiya Rakshak
Functions. Dal which is an organized and disciplined
force of voluntary workers should be the spear head of the village in
its task of reconstruction and development and to this end, the
Prantiya Rakshak Dal will be a force—

- (a) for the performance of tasks in development schemes and
for the betterment of the village, it will act as the nucleus
of man-power and actively lead the village in all such tasks;
- (b) for the security of the village in keeping with the princi-
ples of self-reliance and in co-operation with the police force
of the State.

966. (1) In fulfilling these functions the Prantiya Rakshak Dal
will come in close association with the Gaon
Organization. Sabhas and other nation-building departments
of Government engaged on similar work in rural works. It is, therefore,
necessary to reorganize the Prantiya Rakshak Dal as shown in the new
set up illustrated in the diagram in Appendix 41. The vertical chain
in that diagram indicates the line of command for the purpose of
organization, control and discipline of Dal. The horizontal chain
indicates the links necessary for the performance of the functions
of the Dal.

(2) The Administrative Commandant at State Headquarters will
be *ex-officio* Deputy Development Officer and will be in executive
charge of the Prantiya Rakshak Dal. At the district headquarters
the District Organizer and the Assistant District Organizer will be in
immediate charge of the Prantiya Rakshak Dal and will be under the
administrative control of the District Planning Officer. All instructions
from headquarters and correspondence from districts in respect of
P. R. D. matters will be channelled through the District Planning
Officer and there will be a separate office section to deal with such
matters.

(3) A certain number of zone workers of the Prantiya Rakshak Dal
are allotted to each district. The territorial jurisdiction of each zone
worker should ordinarily coincide with that of the circle of a Panchayat
Inspector and there should be at least one zone worker for each such
circle. If the number of zone workers allotted to a district is larger
than the number of Panchayat Inspector circles, the excess number
of zone workers should be posted to those circles in which blocks have
been selected for intensive development work. The territorial juris-
diction of each such additional zonal worker should be clearly defined
and in order to avoid overlapping of control, the additional zone
workers shall be under the superior charge of the zone worker of the
circle.

(4) The volunteer personnel of the Prantiya Rakshak Dal will be under the charge of the Zonal Worker. There will be a Halqa Sardar for each block (i.e., the territorial jurisdiction of the Panchayati Adalat), and subordinate to him, in each Gaon Sabha, a Group Leader in command of a Section Leader and 11 Rakshaks in each village of the Gaon Sabha. The Group Leader will guide the Section Leaders and Rakshaks in their day-to-day work.

(5) Recruitment of Halqa Sardars, Group Leaders and Sectional Leaders should be made by the Prantiya Rakshak Dal but this personnel should be selected out of Rakshaks. Recruitment of Rakshaks will be made by the Prantiya Rakshak Dal in consultation with Gaon Sabhas.

G. O. no.
7648-R/DC.
69P/1950,
dated Sep-
tember 12,
1952.

(6) Prantiya Rakshak Dal Group Leaders will be *ex-officio* members of the Gaon Sabhas and Halqa Sardars will be members of their block committees.

967. (1) The line of command for purposes of organization, Discipline and control and discipline will flow from the Administrative duties. Administrative Commandant to the District Planning Officers and through them to the District Organizers, Field Inspectors, Zonal Workers and through Zonal Workers to Group Leaders, Section Leaders and Rakshaks. The duties and functions of the District Organizer, the District Field Instructor and Zonal Workers are outlined in Appendix 42 but for the purposes of the discharge of functions of the Prantiya Rakshak Dal in development work, the Zonal Worker will, under the guidance of the District Organizer, act in close association with the staff of other departments working in his circle. Similarly, Group Leaders and Section Leaders and Rakshaks under them, will act under the guidance of their respective Gaon Sabhas in the execution of programmes chalked out by Gaon Sabhas under the overall supervision of the Zonal Worker.

(2) Work connected with physical culture activities in relation to adults will be the responsibility of the Administrative Commandant, Prantiya Rakshak Dal and the services of the Technical Assistant, Physical Culture are transferred to his administrative control.

G. O. no.
7648-R/DC
69P/1950,
dated Sep-
tember 12,
1952.

968. District Organizers and Assistant District Organizers should Posting of district not as a general rule be posted to their home districts. staff. Wholesale transfers on this ground should, however, be avoided and each case should be judged on its merits.

G. O. no.
7648-R/D.C.
69P/1950,
dated Sep-
tember 12,
1952.

There is no harm in Zone Workers remaining in their home districts. Such of the Zone Workers as are not in their home districts or even in a neighbouring district and were not transferred to their present districts from their home districts owing to complaints, may be transferred back to their home districts or neighbouring districts. The cases of those transferred on complaint may be considered on merits.

969. In order to encourage a spirit of healthy competition among the volunteer members of the force the Incentives. following suggestions are given which may be adopted by District Officers to the extent they consider necessary :

(a) In making grants for improvement of village communications, drinking water wells, etc., the District Planning Committee may show preference to such villages where the volunteer force enjoys popular support and has been actively participating in the promotion of rural welfare. Preference may also be shown to individual Halqa Sardars, Group Leaders, Section Leaders and Rakshaks in making grants or in obtaining other facilities for development where this will result in greater demonstration and utility value to the community as a whole.

(b) In the new set up the uniform of Halqa Sardars and Group Leaders will consist of a cap, shirt, shorts and one spear. Under G. O. no. 7978-Z/VIII—508(27)-48, dated February 4, 1949, the volunteer personnel has already been exempted from licences for spears. Recommendations may be made to the Administrative Commandant for the issue of a shirt and a pair of shorts to such Halqa Sardars and Group Leaders who have shown interest and achieved marked success in the discharge of P. R. D. functions.

G. O. no.
7648-R/D.C.
69P/1950,
dated Sep-
tember 12,
1952.

970. Training camps for Halqa Sardars should be organized with-
Training of Halqa Sardars. in the project areas or be attached to definite projects of different departments such as the Irrigation Department. Necessary funds for running these camps should be found either within the P. R. D. budget or from the Community Projects or other project budgets. In the last case consultation between the Commissioner, Planning and Development, and the Chief Engineer concerned will be necessary.

971. There should be a periodical assessment of the performance
Periodical assessment of P.R.D. activities. of the various P. R. D. units in the district and the following basis is suggested for this assessment :

(a) The number and nature of community works organized and completed by the P. R. D. The targets will vary with local conditions and will be fixed in the district programme.

(b) The number of persons enrolled and trained in the allotted area of each Zone Worker. Targets should be fixed in the district programme according to local requirements and conditions.

(c) The number of Physical Culture Centres (like Akharas), Village Defence Societies, camp fires, inter-village sports, etc., organized.

(d) Participation in overall programmes for rural reconstruction and suggestions offered and implemented for the solution of connected problems.

Apart from any periodical reports called for by the Administrative Commandant, a brief assessment of the activities of the Prantiya Rakshak Dal should be included in the monthly progress report of the District Planning Officer.

Chapter XCIII—Miscellaneous

972. The U. P. Rural Development (Requisitioning of Land) U.P. Rural Development Act, 1948, has been enacted—
ment (Requisitioning of Land) Act and Rules.

(a) to provide for the requisitioning of land required for the improvement and development of agriculture and economic conditions in rural areas, and

(b) to prescribe an expeditious procedure for the determination of compensation for such requisitions. In pursuance of section 16 of that Act the State Government have promulgated the U. P. Rural Development (Requisitioning of Land) Rules, 1948 and which are reproduced in Appendix 43.

973. (1) In notification no. 4548/D.C., dated June 19, 1948, the State Government have ordered that all Assistant Collectors of the first class in Uttar Pradesh appointed by Collectors to be Sub-Divisional Officers shall be the Requisitioning Authority within the areas of their respective jurisdiction.

(2) By notification no. 680-R/XII-C—602-50, dated February 9, 1953, issued under section 2(1) of the Uttar Pradesh Rural Development (Requisitioning of Land) Act, 1948 (U. P. Act XXVII of 1948), all Assistant Collectors of the first class in Uttar Pradesh appointed as District Planning Officers shall also be an *ex-officio* Requisitioning Authority in the whole of their respective districts.

(3) By notifications nos. 6114-R/XII-C—D.C.379-48, dated June 21, 1949, 10813-R/XII-C—D.C.—379-48, dated November 8, 1949, F-11269/XII-A, dated February 13, 1951 and 4685-R/D.C.—601-50, dated December 7, 1951, respectively, the State Government have declared the following to be objects essential for the development of agriculture and improvement of the life of the community in rural areas :

(a) Construction of drainage channels.

(b) Pasturage.

(c) Construction of syphons and culverts for drainage purposes.

(d) (i) The laying of village paths and roads, and

(ii) The establishing of instructional or demonstrational farms attached to village schools, panchayatghars or seed stores.

974. In order that village associations may be able to undertake Execution of Programmes constructions or other works of improvement of work in rural areas. satisfactorily, it may become necessary for them to acquire land for such purpose. As the agency for the execution of such works will usually be the Gaon Sabhas and their orga-

G. O. no.
9361/65-P/
50, dated
May 28,
1951.

nizations or the villagers themselves who are often unaware of the facilities provided by law, it is important that, whenever necessary, the district authorities should come to their assistance and expedite the disposal of any proceedings taken under the U. P. Rural Development (Requisitioning of Land) Act, 1948, and rules and notifications thereunder so that execution of development programmes may not suffer.

G. O. no.
969-P/65-
P-50, dated
May 24,
1951.

975. Government in the Public Works Department have sought to make use of free or subsidized labour of voluntary workers in rural areas for the undertaking of earthwork and collection of kankar for road reconstruction programmes. The Prantiya Rakshak Dal and Gaon Sabhas can make an effective contribution in carrying out those programmes by undertaking such work which at the same time provides an opportunity to increase their income as they can also get some subsidy for the work done by them provided it is satisfactory according to the standards of the Public Works Department. In districts in which there are projects for such constructions the District Planning Officer should draw up programmes of work accordingly in consultation with the District Engineer and the Prantiya Rakshak Dal Organizer and include it in the Prantiya Rakshak Dal Programme.

G. O. no.
8430-R/
XII-G-12-
51, dated
December
24, 1952.

976. (1) To foster local development activities and to simplify accounts a personal ledger account for the head "Discretionary Grant" has been opened at each district treasury. These discretionary grants are sub-divided into discretionary grants and development grants. From the latter expenses on self-help scheme of a constructive nature, like irrigation and drainage, construction of seed stores, kutcha roads, bridges, culverts and *bundhis*, etc., should be met, while expenses on social education, training camps, *kisan melas*, route marches, etc., should be met from the former.

(2) Ordinarily expenditure on any individual item met out of a discretionary grant should not exceed Rs.500 and if the District Planning Committee approve any scheme involving an expenditure which exceeds Rs.500 they should obtain the prior approval of the Development Commissioner, Uttar Pradesh. As for the development grants mentioned in sub-para. (1) above, it has been decided that to facilitate execution of schemes and to enable proper control, expenditure up to Rs.1,000 on any individual item approved by the District Planning Committee may be incurred by them, and for amounts exceeding Rs.1,000 on any individual item they must obtain the prior concurrence of the Development Commissioner, Uttar Pradesh.

(3) The above grants may only be operated upon subject to the following conditions :

(a) The amount will be allocated by the District Planning Committees among the various items of the development programme, e.g., irrigation and drainage, construction of seed stores (co-operative), roads, bridges and culverts, *bundhis*, social education, training camps, *kisan melas* and route marches, etc.

(b) While making these allocations the District Planning Committees should make adequate provision for the benefit of Harijans—their housing, water supply and improvement of lanes and drains of their *bastis*.

(c) The grants will be utilized mainly on a self-help basis. The subsidy so given will not exceed 50 per cent. of the total cost in case of works for the special benefit of Harijans and 33 per cent. in the case of other works.

(d) The works to be subsidized by this grant will be community works and other objects of public utility, exception being permitted for improvement of Harijan housing.

(e) A half-yearly report will be submitted to the Development Commissioner by the District Planning Officer about expenditure of the grant.

977. Expenditure on *pucca* construction in connection with earth works done during Shramdan Week should not ordinarily be financed out of the limited funds available with District Planning Committees under Self-Help Schemes which are already earmarked for specific purposes. Such work should be financed by the Panchayat but in cases where difficulty is experienced by them owing to paucity of funds the District Planning Committees may contribute 1/3rd in the shape of cash or material if the earth work done by the villagers during the Shramdan Week works out to more than 2/3rd of the total cost.

U. O. no.
2136-R/XII.
G-132(11)/
51, dated
June 28,
1953.

XXXVI—LABOUR DEPARTMENT

Chapter XCIV—Factories and other Establishments

A—Factories

978. Factories are controlled by the Factories Act, 1948 and

Act and Rules.

the Uttar Pradesh Factories Rules, 1950.

Old
Chapter
CIII.

The Act and Rules cover industrial establishments using power which employ 10 or more workers, and also establishments not using power but in which the number of workers employed is 20 or more. The State Government has been empowered to apply the provisions of the Act to any place where a manufacturing process is carried on with or without the aid of power irrespective of the number of persons employed except in the case of those premises where the work is done by the owner solely with the aid of his family.

979. Rules 6 to 13 of the U. P. Factories Act regulate the licens-

Licensing and registra-
tion of factories.

ing and registration of factories. They require that an application for registration and grant of a licence be submitted to the Chief

Inspector at least 15 days before premises are occupied or used as a new factory. All such applications are registered by the Chief Inspector who then grants a licence and all subsequent applications for renewal or transfer of the licence should also be submitted to him.

980. (1) Sub-sections (1) and (2) of section 8 of the Act provides

Inspectors and Addi-
tional Inspectors.

for the appointment of a Chief Inspector and Inspectors. This is supplemented by sub-sections (4) and (5) by virtue of which every

District Magistrate is an Inspector for his district and the State Government may also by notification appoint such public officers as it thinks fit to be Additional Inspectors within such local limits as may be assigned. In exercise of these powers Government have by notification no. 5754(LM)/XVIII—284(LM)-49, dated November 23, 1949, as amended by notification no. 1464(LM)/XVIII—284(LM)-49, dated April 27, 1951, appointed the undernoted officers other than officers of Medical and Health Department to be Additional Inspectors of Factories and have declared that every such Additional Inspector is empowered to enter any factory within the area shown against each and make such examination of the premises and registers as may be necessary to enable the Inspector to satisfy himself that the requirements of the following sections of the Act are being properly observed:

Cleanliness (section 11), overcrowding (section 16), lighting (section 17), drinking water (section 18), latrines and urinals (section 19), spittoons (section 20), precaution in the case of fire (section 38), welfare (Chapter V), working hours of adults (Chapter VI except the power of exemption under the proviso to section 62), employment of young persons (Chapter VII), leave with wages (Chapter VIII) and display of notices (section 108).

Serial no.	Designation of officers	Area
(i) *	Labour Commissioner, U. P.	Whole of Uttar Pradesh.
(ii)	Deputy Labour Commissioner, U. P.	Ditto.
(iii)	All Assistant Labour Commissioners, U. P.	Ditto.
(iv)	Honorary Chief (Labour Welfare) Organizer of the State Labour Department.	Ditto.
(v)	All Regional and Additional Conciliation Officers and all Conciliation Officers of the State Labour Department.	Local limits of their jurisdiction.
(vi)	All Labour Officers of the State Labour Department.	Ditto.
(vii)	All Labour and Resident Labour Inspectors of the State Labour Department.	Ditto.
(viii)	Director of Cottage Industries, U. P.	Whole of Uttar Pradesh.
(ix)	Every Officer (Revenue and Magisterial) in charge of a sub-division, every stipendiary magistrate of the first class and every officer of the Indian Civil Service or the Indian Administrative Service or State Civil Service who has completed 7 years' service.	Local limits of their jurisdiction.

*Labour Commissioner, U. P., is also empowered under section 105(1) to institute prosecutions for violation of the provisions of the Factories Act, 1948.

N.B.—All officers designated Additional Inspectors as above are expected to forward reports of their inspections under the Factories Act to the Chief Inspector of Factories, U. P., for necessary action, so as to ensure co-ordination in the administration of factory laws.

(2) By notification no. 5754(LM)(ii)/XVIII—284(LM)-49, dated November 23, 1949, as amplified by notifications nos. 1104(LM)/XVIII—284(LM)-49 and 417(LM)/XVIII—284(LM)-49, dated March 21, 1950, and January 31, 1951, respectively, the undernoted officers of the Medical and Health Department have also been appointed Additional Inspectors of Factories and empowered to enter any factory within the limits specified against each and make such examinations of the premises and registers as may be necessary to enable the officer to satisfy himself that the requirements of the following sections of the Act are being properly observed :

Cleanliness (section 11), dust and fume (section 14), artificial humidification (section 15), over-crowding (section 16), lighting (section 17), drinking water (section 18), latrines and urinals (section 19), spittoons (section 20), precaution against dangerous fumes (section 36), explosive or inflammable dust, gas, etc. (section 37), precaution in the case of fire (section 38), welfare (Chapter V), working hours of adults (Chapter VI except the power of exemption under the proviso to section 62), employment of young persons (Chapter VII), leave with wages (Chapter VIII) and display of notices (section 108).

Serial no.	Designation of officers	Area
(i) Director of Medical and Health Services.		Whole of Uttar Pradesh.
(ii) Assistant Directors of Medical and Health Services.		Local limits of their jurisdiction.
(iii) Municipal and Additional Medical Officers of Health.		Ditto.
(iv) District Medical Officers of Health		Ditto.
(v) Civil Surgeons of districts		Ditto.
(vi) Medical Officer, Industrial Health Organization, Kanpur.		Whole of the State.

(3) The powers of inspectors are given in section 9 of the Act and in rule 15 of the Rules thereunder. It should be remembered that the proviso to this rule restricts the powers of the District Magistrate and such other public officers as are appointed Additional Inspectors and these limits are reflected in the notification appointing Additional Inspectors.

981. Section 10 provides for the appointment of qualified medical practitioners to be certifying surgeons for purposes of the Act within such local limits of such factory or class or description of factories as may be assigned to them and a certifying surgeon may, with the approval of Government, authorise any qualified medical practitioner to exercise any of his powers under the Act for such period as the certifying surgeon may specify and subject to such conditions as Government may impose. The duties of certifying surgeons are set out in sub-section (4) of section 10 read with rule 16 of the U. P. Factories Rules and the orders appointing qualified medical practitioners to be certifying surgeons have been issued in various notifications to which reference may be made.

982. (1) By notification no. 5754(LM)(v)/XVIII—284(LM)-49, dated November 23, 1949 orders have been issued in exercise of powers conferred by sub-section (6) of section 8 of the Factories Act, 1948, that—

(a) the Inspector referred to in sub-section (1) of section 105 of the Act shall be the Chief Inspector of Factories, U. P. in all cases of proposals for prosecution, except in the case of District Magistrates and the Labour Commissioner, U. P., who are empowered to institute prosecution; and

(b) the Inspector to whom notices are required to be sent by that Act or Rules made thereunder shall be the Chief Inspector of Factories, U. P., Kanpur, or an officer nominated by him in this behalf.

(2) The Chief Inspector of Factories has, by notification no. 5754(LM)(vi)/XVIII—284(LM)-49, dated November 23, 1949, been appointed under section 492 of the Code of Criminal Procedure, 1898 to be a Public Prosecutor for all cases under the Factories Act, 1948, in the U. P. except those before the High Court of Judicature at Allahabad and Lucknow.

983. Section 88 of the Act requires notice to be given of fatal accidents or those which cause such bodily injury as to incapacitate for at least 48 hours. The authorities to whom such notice should be given are prescribed in rule 110 of the U. P. Factories Rules and are —

Accidents.

- (a) the Chief Inspector of Factories, U. P., Kanpur;
- (b) the District Magistrate, or, if the District Magistrate has by general order so directed, to the Sub-Divisional Officer; and
- (c) the officer in charge of the police station within the local limits of which the factory is situated.

In the event of accidents arising, reference may be made to rules 110 to 112 of the above Rules.

984. Section 49 of the Factories Act, 1948, provides for the appointment of Welfare Officers in every factory employing 500 or more workers and empowers the State Government to prescribe their duties, qualifications and conditions of service. Government have, therefore, in notification no. 2401(LI)/XVIII—543(L)-47, dated June 29, 1949, promulgated the Factories Welfare Officers Rules, 1949, which provide for the appointment of Welfare Officers and also prescribe guaranteed terms and conditions of service. For information regarding the duties to be discharged by Welfare Officer, reference may be made to rule 16 of the above Rules. By notification no. 3464(LL)/XVIII—543(L)-47, dated September 17, 1949, Government give special preference to candidates who have passed the State Labour Training Course of Shri Kashi Vidya Peetha, Banaras, for the purpose of appointment as Welfare Officers in Factories and have also approved the Diploma of Social Science, Calcutta University or of the Tata Institute of Social Service, Bombay or of Faizabad for appointment of Welfare Officers.

Steam boilers.

985. For directions regarding the certification and use of steam boilers reference should be made to the Indian Boilers Act, 1923 and to the U. P. Boiler Inspection Rules, 1949. The requirements and conditions in respect of boilers are set out in the Indian Boiler Regulations, 1950, made under section 28 of the Act and are of a technical nature.

B—Plantation Labour

986. The Plantations Labour Act, 1951 was passed by Parliament to regulate conditions of work and to provide for the welfare of labour employed in plantations. This Act makes provision for healthy and sanitary conditions on plantations by requiring the employer to arrange for a sufficient supply of wholesome drinking water and for maintenance of a sufficient number of latrines and urinals in a clean and sanitary condition. The Act also makes provision for canteens where more than 150 workers are employed and also for proper medical facilities to be prescribed by the State Government. Creches are to be maintained for the use of women workers

Plantations Labour Act.

where their number is 50 or more. The Plantations Labour Act applies to land used or intended to be used for growing tea, coffee, rubber or cinchona, measuring 25 acres or more, or to any land used or intended to be used for growing any plant notified by the State Government. The Act is only applicable if 30 or more persons are employed or were employed on the plantation on any day of the preceding twelve months.

The provisions of the Act are in some respects similar to those of the Factories Act, 1948, and in addition require—

- (a) recreational facilities for workers and children by the employer ;
- (b) educational facilities for workers' children where the number of children between the ages of 6 and 12 exceeds 25 ;
- (c) each employer to provide and maintain the necessary housing accommodation for every worker and his family residing on the plantation.

987. The Act requires appointment of a Chief Inspector and Inspectors, prescribes their powers and functions and makes provision for the appointment of certifying surgeons, etc., on the lines of the Factories Act. Their duties are indicated in section 72 of the Act.

988. Attention is also invited to section 10 regarding the provision and maintenance of medical facilities for workers. If in any plantation such medical facilities are not provided and maintained the Chief Inspector may cause such facilities to be provided and maintained and recover the cost from the defaulting employer. For the purpose of recovery the Chief Inspector may certify the amount to the Collector who may thereon recover the amount as an arrear of land revenue.

C—Shops and Commercial Establishments

989. The U. P. Shops and Commercial Establishments Act, 1947, regulates the hours and conditions of employment in shops and commercial establishments. Under section 10(1) every employer other than those exempted is required to close his shop or commercial establishment on one day in each week which is known as the "close day". Under sub-section (2) of that section read with rule 5 of the U. P. Shops and Commercial Establishments Rules, 1947, the approval of the District Magistrate is necessary to the choice of the "close day" by the employer. In according such approval regard should be had to public interest and effort made to see that in a particular locality or area the same day of the week is observed as the "close day". The choice of employers of a "close day" for considerations other than of public interest should be discouraged. Attention is also drawn to section 10(3) under which the "close day" specified cannot be altered except with effect from the 1st January each year and in accordance with the procedure laid down in that sub-section. The Resident Labour Inspector has been appointed an Inspector for the purpose of carrying out the provisions of the Act within his area.

G. O. no.
5822(LM)-
XVIII-349
(LM)/49,
dated
November
23, 1950.

G. O. no.
U/4(LL)(5)/
XVIII-902
(L)/48, dated
September
2, 1948.

990. By notification no. U-4(LL)(3)/XVIII—902(L)-48, dated September 2, 1948, the provisions of the U. P. Shops and Commercial Establishments Act, 1947, apply to all classes of employees of vacuum pan sugar factories in the State to whom the provisions of the Factories Act do not apply and have further declared that the exemption granted by notification no. 1265(LL)/XVIII—655(L)-48, dated September 2, 1948, under section 34 of the Act, shall be applicable to all such sugar factories. Under notification no. U-4(LL)/XVIII—902(L)-48, dated September 2, 1948, every Sub-Divisional Magistrate in the State has been appointed to be an Inspector under the Act for the purpose of carrying out its provisions in respect of vacuum pan sugar factories situated within the area of his jurisdiction. Sub-Divisional Magistrates are required to devote special attention to the enforcement of the Act in these factories which are generally situated in outlying areas; they must be vigilant and see that sugar factory employers comply fully with the provisions of the Act.

991. The U. P. Shops and Commercial Establishments Act and Rules are published as a separate pamphlet and may be obtained from the Superintendent, Printing and Stationery, U. P., Allahabad. For exemptions under the Act, reference should be made to the various notifications issued by Government from time to time.

U. P. Shops and Com-
mercial Establishments
Rules.

Chapter XCV—Wages and Compensation

A—Payment of wages

992. To ensure regular payment of wages to persons in industrial employment the Central Legislature have enacted the Payment of Wages Act, 1936. The Inspector of Factories is an Inspector for the purposes of the Act in respect of all factories within the local limits assigned to him. In addition Government have in notifications nos. 2070(2)/XVIII---411(1), dated August 15, 1940 and 3844 (2)/XVIII—625, dated December 22, 1936, appointed the following persons to be Inspectors for the purposes of the Act within the local limits noted against each :

- | | |
|---|---------------------------|
| (a) Labour Commissioner, U. P. | } Within the whole State. |
| (b) Director of Industries, U. P. | |
| (c) Deputy Directors of Industries, U. P. | |
| (d) Chief Inspector of Factories, U. P. | |
| (e) Divisional Superintendents of Industries, U. P. | |

- | | |
|---|---|
| (f) Every Officer of the Indian Civil Service or the U. P. Civil Service in charge of a sub-division, a City Magistrate or stipendiary magistrate of not less than three years' standing. | } Within the local limits of their respective jurisdiction. |
| | |

993. Section 15 of the Act provides for the appointment of an authority for the adjudication of claims arising out of deductions from wages or delay in payment of wages. Under notification no. 3844/XVIII—625, dated December 22, 1936, every officer of the Indian Civil Service or the U. P. Civil Service in charge of a sub-division, or a City Magistrate, has been authorised to hear and decide all claims arising under this section. The procedure to be followed in the determination of such claims is contained in the Payment of Wages (Procedure) Rules, 1937. Rules in respect of the payment of wages to persons employed upon any Railway (including factories) by or under a Railway Administration are given in the Payment of Wages (Railways) Rules, 1937.

B—Minimum wages

994. The Minimum Wages Act, 1948 requires payment of minimum wages in certain scheduled industries and agricultural occupations and in any other form of employment which the State Government may add to the Schedule. Section 3 read with sub-section (2) of section 5 of the Act provides for the fixation of minimum rates of wages in certain scheduled employments and agricultural occupations. Under notifications nos. 849(LL)/XVIII(L)—20(LL)-51, 850 (LL)/XVIII(L)—20 (LL)-51 and 696(LL)/XVIII(L)—20(LL)-51, all dated March 27, 1952, minimum rates of wages have

been fixed in respect of the industrial employments mentioned in Part I of the schedule to the Act. Section 19 of the Act provides for the appointment of Inspectors while section 20 enables the hearing of claims where wages paid are less than the prescribed minimum. Under that section Government is to appoint the authority to hear and decide such cases, who may be the Commissioner for Workmen's Compensation or other officer with experience as a Civil Court Judge or a stipendiary magistrate. Under notifications nos. 805(LL)/XVIII(L)—485(LL)-50 and 858(LL)/XVIII(L)—485(LL)-50, both dated March 27, 1952, every Sub-Divisional Magistrate and City Magistrate has been appointed to be the authority to hear and decide all claims arising out of payment of less than the minimum rate of wages fixed for the area comprising his sub-division. The procedure to be followed in such cases is outlined in that section and is supplemented by rules 28 to 32 of the U. P. Minimum Wages Rules, 1952, made under section 30 of the Act.

995. By notification no. 859 (LL)/XVIII-(L)—485 (LL)-50, dated March 27, 1952 the Regional and Additional Regional Conciliation Officers have been appointed to be Inspectors for the purposes of the Minimum Wages Act for the area in their respective regions.

**Inspectors under the
Minimum Wages Act.**

Fifteen Wage Inspectors have also been appointed to be Inspectors, under the Minimum Wages Act, with defined jurisdictions in notification no. 606 (LL)/XVIII-(LB)—156(LL)-52, dated April 7, 1953. The Deputy Labour Commissioner and the Officer on Special Duty have also been appointed Inspectors for purposes of the said Act for the whole of the State under notification no. 606 (LL)(ii)/XVIII-(LB)—156(LL)-52, dated April 7, 1953.

996. In notification no. 3850(LL)/XVIII—1050(LL)-48, dated November 10, 1949, the State Government have notified the Labour Commissioner, U. P., to be the "competent authority" to ascertain from time to time the Cost of Living Index Numbers applicable to employees in scheduled employment.

**Labour Commissioner to
determine cost of living
index numbers.**

997. By notification no. 3344(LL)/XVIII-(LB)—155(LL)-52, dated March 12, 1953, an Advisory Board has been constituted to advise the State Government generally in the matter of fixing and revising minimum rates of wages.

**Advisory Board for
Minimum Wages.**

C—Workmen's compensation

998. Government have enacted the Workmen's Compensation Act, 1923 to provide compensation for accidental injuries arising from or during

**Workmen's Compensation
Act, 1923.**

employment. The terms of the Act provide for the settlement of claims by a Commissioner appointed by the State Government and the procedure to be followed by Commissioners is indicated in Chapter III and fuller instructions will be found in Part V of the Workmen's Compensation Rules, 1924 which should be consulted. The rules published in the form of a separate pamphlet are available from the Manager of Publications, Government of India, Central Publications Branch, Delhi.

999. Each District Officer has been appointed a Commissioner under the Workmen's Compensation Act in respect of his own district. It should be noted that Additional District Magistrates (Judicial) are competent to dispose of cases under the Workmen's Compensation Act as they are empowered to exercise all the powers of a District Magistrate.

G. O. no.
534-B/
XVIII—436,
dated June
24, 1924.

1000. Rules as to costs and fees payable under the Workmen's Compensation Act have been made under section 33 (subsequently amalgamated with section 32) and were published in notification no. 1333/XVIII—436, dated June 27, 1924 in Part I of the *United Provinces Gazette* of June 28 of that year.

Commissioners under the Act.

Costs and fees payable.

Chapter XCVI—Industrial Relations

A—Conditions of employment

1001. The Industrial Employment (Standing Orders) Act, 1946, requires employers in industrial establishments to define the conditions of employment under them. These conditions are prescribed by Standing Orders which before adoption must be certified by the "Certifying Officer" under the Act who is the Labour Commissioner or in his absence an officer appointed by Government. In exercise of powers conferred by section 15 of the Act, the State Government have issued the U. P. Industrial Employment (Standing Orders) Rules, 1946 and which are obtainable with the Model Standing Orders in the form of a separate pamphlet. The Industrial Tribunal constituted in Government notification no. 671(LL)/XVIII—7(LL)-51, dated March 15, 1951 has been appointed to be the appellate authority under section 2(a) of the Industrial Employment (Standing Orders) Act, 1946 (Act no. XX of 1946) and to exercise the functions of the appellate authority under the said Act for the whole State, *vide* notification no. 494(LL)/XVIII—52(LL)-51, dated March 20, 1951. In notification no. 23(LL)/XVIII-(LB)—408(L)-45, dated January 1, 1953, and in accordance with clause (vi) of rule 2 of the U. P. Industrial Employment (Standing Orders) Rules, 1946, the two Labour Inspectors (Standing Orders) have been appointed as Labour Officers for purposes of the said rules.

NOTE 1—The Industrial Employment (Standing Orders) Act, 1946 has been made applicable to the following classes of Industrial establishments employing less than 100 workmen under Government notifications mentioned against each in exercise of the powers conferred by section 1(3) of the Act:

No. and date of notification	Class of Industrial establishment
No. 5394(L)/XVIII—478(L)-47, dated October 3, 1947.	All industrial establishments which are members of the Employers' Association of Northern India, Kanpur.
No. 221(L)/XVIII—478(L)-47, dated February 6, 1948.	All Electric Supply undertakings in the U. P. All the Water-works in the U. P. All the industrial establishments which are members of the U. P. Oil Millers Association, Kanpur.
No. 1497(LL)/XVIII—1025(LL) 48, dated September 27, 1948.	All the industrial establishments engaged in the Glass Industry of the U. P.
No. 2328(LL)/XVIII—450(LL)-50, dated November 15, 1950.	All the industrial establishments in the State employing less than 100 workmen in which the employers voluntarily apply for certification of the Standing Orders in accordance with the Act.

NOTE 2—By notification no. 6071 (ST)/XVIII—100(ST)-48, dated September 29, 1948, all Vacuum Pan Sugar Factories in the State are exempted from the operation of the Act.

B—Industrial disputes

1002. The law relating to the settlement of industrial disputes is contained in the Industrial Disputes Act, 1947 as amended, the U. P. Industrial Disputes Act, 1947 as amended and the Industrial Disputes (Appellate Tribunal) Act, 1950. These Acts provide the following machinery:

(a) *Works Committees*—The Works Committee is composed of representatives of employers and workmen. The number of such representatives is not to exceed 14 subject to the condition that the number of representatives of the employees will not be less than the representatives of the employers.

The object of the Works Committee is to provide a recognised means of consultation between management and labour and to prevent friction and misunderstanding. Matters to be dealt with by the Works Committee include the distribution of working hours, fixation of shifts, methods of payment of wages, settlement of grievances of workmen, questions pertaining to physical welfare, discipline and conduct, improvement in methods and organization of work, investigation of circumstances tending to reduce efficiency and steps that may be conducive to harmonious relations between workers and management. All industrial disputes in cases of complaints by workmen are ordinarily, in the first instance, to be referred to the Works Committee, if there is one in the factory. Unanimous decisions of the Works Committee are generally binding on the parties.

(b) *Conciliation and adjudication*—In view of Government notification no. 615(LL)/XVIII—7(LL)-1951, dated March 15, 1951, the following steps will be taken for the conciliation of industrial disputes within the State :

On receiving a complaint regarding existence of an industrial dispute the Conciliation Officer of the area constitutes a Conciliation Board consisting of himself as Chairman and a representative each of the employers and workmen who are parties to the dispute. The Conciliation Board then tries to bring about an amicable settlement of the matter before it and if it succeeds, it prepares a memorandum stating the terms of settlement arrived at duly signed by the Chairman and the parties to the dispute and sends copies to those parties, Government and Labour Commissioner. Where no settlement can be reached on any one of the issues before the Board, the Chairman must send a full report to the Government and the Labour Commissioner stating the steps taken by the Board to ascertain the facts, the circumstances relating to the dispute and to bring about an amicable settlement together with the reasons for which a settlement could not be arrived at.

If the State Government considers that the case is suitable for adjudication a reference is made under the Government Order of the 15th March, 1951 and an adjudicator appointed who deals with the matter and gives his award. Usually Conciliation Officers of the

Labour Department are appointed as adjudicators, but important cases including those involving the industry as a whole are referred to the State Industrial Tribunal for adjudication. Appeals from the decisions of adjudicators and Industrial Tribunals lie to the Labour Appellate Tribunal of India so far as certain matters specified in section 7 of the Industrial Disputes (Appellate Tribunal) Act are concerned. It is also open to the State Government on its own motion, if satisfied that an industrial dispute exists, to refer such disputes to the Industrial Tribunal or to any other person for adjudication. In pursuance of the above Government Order of March 15, 1951, the entire State continues to be divided in 7 regions with headquarters at Kanpur, Allahabad, Gorakhpur, Lucknow, Agra, Bareilly and Meerut in each of which some Conciliation Officers are posted.

(c) *Labour Appellate Tribunal*—The adjudication awards of Adjudicators or the State Industrial Tribunal are appealable to the Labour Appellate Tribunal, constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950. Proceedings of the State Industrial Tribunal and the Labour Appellate Tribunal are regulated by the Acts and by the U. P. State Industrial Tribunal Rules, 1951 and the Industrial Disputes (Appellate Tribunal) Rules, 1950.

1003. (1) The U. P. Industrial Disputes Act, 1947 empowers Government to prohibit strikes or lock-outs, to require employers and workmen to observe specific terms of employment, to refer industrial disputes for conciliation and adjudication, to appoint Industrial Courts, to require any public utility service or any subsidiary undertakings not to close or remain closed and to continue work, and to acquire and run any public utility service or any subsidiary undertakings. Under sub-section 3A (5) the Collector may at the request of the Controller of any trade or business taken over by Government under sub-section (1) of that section, deliver the charge of such service or undertakings to him and may take or cause to be taken such steps and use or cause to be used such force as may be necessary for the purpose.

(2) It is not permissible for workmen to go on strike nor for an employer to declare a lock-out without giving due notice and recourse to illegal strikes and lock-outs is prohibited and is punishable. In this connection reference may be made to sections 22 to 28 of the Industrial Disputes Act, 1947.

(3) It is of increasing importance that District Officers should keep themselves well informed about the state of industrial labour so as to ensure that timely action is taken for the settlement of disputes in their districts. To this end they keep in touch with the technical aspect of industrial disputes and they should, therefore, take advantage of any opportunity to discuss the labour situation with officers of the Labour Department who may visit the district. District Officers should make themselves accessible to Conciliation Officers and when any such officer seeks an interview it should, if

possible, be granted. Officers visiting districts in connection with industrial disputes should be given every facility and should be allowed the use of a room, with necessary furniture, either in the court building or at any other convenient place to hold conciliation or adjudication proceedings or informal meetings with employers or workers. The loan of small quantities of stationery, use of telephone where available and the deputation of one or two chaprasis are facilities which may be accorded.

1004. The following persons have been appointed Conciliation Officers under the U. P. Industrial Disputes Act, 1947 in respect of the areas shown against each :

Government notification no. 670(LL)/XVIII-7-(LL)-1951, dated March 15, 1951.

Officer	Areas of jurisdiction
(i) Regional Conciliation Officer, Kanpur.	Kanpur Region, consisting of Kanpur proper rural circle consisting of all stations on Kanpur-Jhansi line up to but not including Jhansi proper and Jalaun, Hamirpur and Farrukhabad.
(ii) Additional Regional Conciliation Officer, Kanpur.	Ditto.
(iii) Regional Conciliation Officer, Allahabad.	Allahabad Region, consisting of the districts of Allahabad, Banda, Banaras, Mirzapur, Pratappgarh, Sultanpur, Jaunpur, Ghazipur, Ballia and Fatehpur.
(iv) Regional Conciliation Officer, Gorakhpur.	Gorakhpur Region, consisting of the districts of Bahraich, Gonda, Azamgarh, Basti, Gorakhpur and Deoria.
(v) Additional Regional Conciliation Officer, Gorakhpur.	Ditto.
(vi) Regional Conciliation Officer, Lucknow.	Lucknow Region, consisting of the districts of Lucknow, Sitapur, Kheri, Hardoi, Unnao, Rae Bareilly, Bara Banki and Faizabad.
(vii) Additional Regional Conciliation Officer, Lucknow.	Ditto.
(viii) Regional Conciliation Officer, Agra.	Agra Region, consisting of the districts of Agra, Aligarh, Etah, Etawah, Mainpuri, Jhansi proper and Mathura.
(ix) Additional Regional Conciliation Officer, Agra.	Ditto.
(x) Regional Conciliation Officer, Bareilly.	Bareilly Region, consisting of the districts of Bareilly, Shahjahanpur, Naini Tal, Garhwal, Rampur, Moradabad, Budaun, Pilibhit, Bijnor, Almorah and Tehri-Garhwal.
(xi) Additional Regional Conciliation Officer, Bareilly.	Ditto.
(xii) Regional Conciliation Officer, Meerut.	Meerut Region, consisting of the districts of Dehra Dun, Saharanpur, Muzaffarnagar, Meerut and Bulandshahr.
(xiii) Additional Regional Conciliation Officer, Meerut.	Ditto.

Officer	Areas of jurisdiction
(xiv) Labour Officers of the Department of Labour, U. P., Kanpur.	Whole of Uttar Pradesh.
(xv) Officer on Special Duty in the office of the Labour Commissioner.	As in items (i) and (ii) above.
(xvi) Assistant Labour Commissioner, Uttar Pradesh.	Whole of Uttar Pradesh.
(xvii) Deputy Labour Commissioner other than the officer appointed as <i>ex-officio</i> Deputy Secretary.	Ditto.

Notification no. 545 (vi)-XVIII—746 (L)-48, dated February 24, 1949.
G. O. no. 1053 (L)/XVIII—74(L)-47, dated April 18, 1949.
G. O. no. 1182 (L)(i)/XVIII—374 (L)-47, dated August 30, 1949.

(2) Under section 4 of the Industrial Disputes Act, 1947, all Labour Officers, all Deputy Labour Commissioners to the exclusion of Deputy Labour Commissioner appointed as *ex-officio* Deputy Secretary to Government and all Assistant Labour Commissioners in Uttar Pradesh are appointed under the Act to be Conciliation Officers for the entire State and are charged with the duty of mediating in and promoting the settlement of industrial disputes for all industries in the State.

C—Trade unions

1005. The law relating to trade unions is contained in the Indian Trade Unions Act, 1926, which provides for the registration of Trade Unions and in certain respects defines the law relating to registered trade unions in India. Under notification no. 4584-(L)/XVIII—388(L)-47, dated July 30, 1947, the Deputy Labour Commissioner, Uttar Pradesh, has been appointed to be an *ex-officio* Registrar of Trade Unions for the State. He is assisted by an Assistant Registrar of Trade Unions and Trade Unions Inspector. Under notification no. 3835(L)-XVIII—392(L)-43, dated February 2, 1944, the District Judge of Kanpur has been appointed to be the Judge to whom appeals under section 11(1) of the Act will be made against the decisions of the Registrar. The procedure and fees for the registration of Trade Unions are given in the Uttar Pradesh Trade Unions Regulations, 1927, published in notification no. 1659/XVIII—681, dated September 15, 1927 [subsequently modified by notifications no. U-2020/XVIII—648-L-41, dated April 6, 1952 and no. 1186(L)(3)/XVIII—138(L)/45, dated September 19, 1945].

Chapter XCVII—Labour Welfare

A—Subsidized Industrial Housing

1006. The State Government have also taken advantage of the Government of India's Subsidized Industrial Housing Scheme. Under the scheme, the Central Government gives a subsidy to the extent of the 50 per cent. of the actual cost of the construction for a scheme undertaken by the State Government and loans the remaining 50 per cent. of the cost of the construction (including the cost of land) subject to repayment in 25 years at an interest of 4½ per cent. The State Government has constructed quarters for industrial workers at Kanpur and Lucknow and proposes to enact the legislation necessary for the administration of these quarters.

B—Sugar and power alcohol industries

1007. (1) The U. P. Sugar and Power Alcohol Industries Labour Welfare and Development Fund Act, 1951, was enacted to make better provision for financing measures to promote the welfare of labour employed in Sugar and Power Alcohol Industries including the housing of workers and provision of dispensary services, and for the development of these industries. Accordingly, a fund named the U. P. Sugar and Power Alcohol Industries Labour Welfare and Development Fund was created under this Act. The Fund consists of three separate accounts, viz :

- (i) Housing Account,
- (ii) General Welfare Account, and
- (iii) Development Account.

Funds in the housing account can be utilized to construct, maintain and repair housing accommodation for labour employed in sugar and power alcohol industries as well as for the acquisition of land, etc. The General Welfare Account is to be utilized for the improvement of health and prevention of disease among workers, the promotion of industrial hygiene and medico-social investigation, the provision of education and other amenities for labour. The Development Account will be utilized to improve technical education connected with these industries, to finance research regarding the growing of sugarcane, etc., and to provide miscellaneous general facilities for the sugar and power alcohol industries such as roads and irrigational facilities.

(2) the Act and Rules provide for—

- (a) the appointment of a Labour Housing Board to prepare and carry out schemes for the construction of suitable housing accommodation for labour employed in the sugar and power alcohol industries, and

(b) the setting up of an Advisory Committee with sub-committees to advise on matters on which the State Government or the Housing Board is required to consult that body under the Act. The constitution of the Housing Board and Advisory Committee is given in the U. P. Sugar and Power Alcohol Industries Labour Welfare and Development Fund Rules, 1951, issued with notification no. 2305 (LL)/XVIII—235(LL)-1951, dated October 1, 1951.

1008. The attention of District Magistrates is drawn to section 11 of the Act regarding conditions for occupation of housing accommodation provided from the Housing Account. Under sub-sections (3) and (4) the Housing Board may require any person in occupation of such accommodation who fails to comply with the conditions imposed to vacate the accommodation after giving due notice for vacation on expiry of the period prescribed. Under this section the Housing Board may apply to the District Magistrate or any other Magistrate so authorised by him for eviction of the person or the dependant in occupation and the Magistrate may, in evicting such person, use or cause to be used such force as may be necessary for the purpose.

1009. Section 13 of the Act empowers the State Government to appoint a Labour Welfare Commissioner and such number of Inspectors, Welfare Officers and other staff as it thinks fit, to supervise and carry out measures financed from the Fund. Under notification no. 2306(LL)/XVIII—235(LL)-51, dated October 1, 1952, Sri O. N. Misra, I.A.S., has been appointed to discharge the functions of a Labour Welfare Commissioner under the Act.

C—Maternity benefit

1010. The employment of women in factories before and after confinement and the payment of maternity benefit is regulated by the U. P. Maternity Benefit Act, 1938 and the U. P. Maternity Benefit Rules, 1939, issued with notification no. 3774/XVIII—239-33, dated July 20, 1939. Applications for compensation in respect of dismissals to avoid payment of maternity benefit can be made to the Labour Commissioner under section 9, and by notification no. U-461 (6)/XVIII—88(i), dated April 8, 1940, the Labour Commissioner, U. P., has been appointed to discharge the functions of a Labour Commissioner under the U. P. Maternity Benefit Act. It should be noted that under clause (2) (b) of the Maternity Benefit Rules an "Inspector" includes an *ex-officio* Inspector and Additional Inspectors appointed under the Indian Factories Act, and which will include the magisterial and medical officers specified in sub-paras. (1) and (2) of paragraph 980.

D—Employment of children

1011. Restrictions on the employment of children on railways and in certain industrial employments are imposed by the Employment of Children Act, 1938. Section 6 of the Act provides for the appointment of Inspectors and the persons so appointed have been notified in notification no. 1563/XVIII—1342, dated July 17, 1939. The Employment of Children (Workshops) U. P. Rules, 1939 (as amended), authorise the entry of Inspectors on premises and enable them to take evidence and exercise such powers of inspection as is deemed necessary to carry out the purposes of the Act. These rules also authorise registered medical practitioners to grant certificates in respect of the age of young employees. As regards railways the U. P. Employment of Children (Railways other than Federal Railways) Rules, 1939, have been issued with notification no. 472/XVIII—1342-38, dated February 15, 1940.

E—State Insurance

1012. (1) The Employees' State Insurance Act, 1948, as amended by Employees' State Insurance (Amendment) Act, 1951, is being implemented in Kanpur and Delhi and Punjab. The scheme was inaugurated on 24th February, 1952 at Kanpur and Delhi and on 17th May, 1953 in the Punjab in order to give relief to factory employees in sickness or maternity or if injured during employment. It contemplates the following five types of benefits :

- (a) Free Medical Service.
- (b) Sickness Benefit.
- (c) Maternity Benefit.
- (d) Disablement Benefit.
- (e) Dependants' Benefit.

(2) The scheme is financed by contributions from employers and employees. The Central Government meets two-thirds of the cost of administration for the first five years while the State Government bears a proportion of cost of medical care which is about a third. Employees will contribute roughly 2 per cent. of their wages while contributions from employers will amount to about 4½ per cent. of wages when the scheme is in operation throughout the country. During the transitory phase when the scheme is in operation in certain parts of the country only, employers' contribution shall consist of such percentage not exceeding 5 per cent. of the total wage bill of the employers, as may be fixed by the Central Government from time to time. At present their contribution has been fixed at the rate of 1½ per cent. of the total wage bill in areas where the benefit provisions of the Act have come into effect and ¾ per cent. in the remaining areas. Employees will pay contributions only in these areas where the benefit provisions have been introduced, while in other areas no contribution will be realized from them.

(3) Under section 3 of the Act the scheme is to be administered by the Employees' State Insurance Corporation which consists of representatives of the Central and State Governments, employers, employees, Parliament and the medical profession. The Corporation has a Standing Committee to look after details of administration and a Medical Benefit Council to advise the Corporation on matters relating to medical benefits. Regional Boards and Local Committees including representatives of employers and employees will be attached to Regional and Local Officers of the Corporation. In view of the size and extent of the country the scheme will be enforced in stages.

(4) In exercise of powers conferred by the Act, the following rules have been promulgated and which are noted below for general information :

(a) The Employees' State Insurance (General) Regulations, 1950.

(b) The U. P. Employees' Insurance Rules, 1952.

(c) The U. P. Employees' State Insurance (Medical Benefit) Rules, 1951.

F—Employees' Provident Fund

1013. The Employees' Provident Fund Act, 1952, applies in the first instance to all factories engaged in the production of cement, cigarettes, electrical, mechanical or general engineering products, iron and steel, paper and textiles (made wholly or in part of cotton, wool, jute or silk, whether natural or artificial) and which employ 50 or more persons. The Act empowers the Central Government to extend the scope of the Act to any other industry, if considered necessary, but it does not apply to factories belonging to Government or a local authority or to infant factories which have not completed three years' existence. The Act provides for the introduction of provident fund schemes for the establishment of provident funds for employees of factories and other establishments covered by the Act and for the payment of equal contributions to the fund by both employers and workers respectively.

For the administration of the Act and the working of the scheme in Uttar Pradesh, a regional office with the Labour Commissioner, U. P. as *part-time Regional Provident Fund Commissioner* has been set up in Kanpur. For particulars regarding the scheme reference may, when necessary, be made to the Government of India, Ministry of Labour notification no. S. R. O. 1509, dated the 2nd September, 1952.

G—Employment Exchanges

1014. Employment exchanges are being run in this State through the agency of the Regional Director of Resettlement and Employment, Uttar Pradesh, Lucknow, who is an officer of the Government of India. At present, there is a Regional Employment Exchange at Kanpur, 9 Sub-Regional

Employees' Provident Fund Act and Scheme.

Organization.

Employment Exchanges—at Agra, Allahabad, Almora, Bareilly, Gorakhpur, Jhansi, Lansdowne, Lucknow and Meerut and 11 District Employment Exchanges—at Aligarh, Ballia, Banaras, Dehra Dun, Faizabad, Gonda, Moradabad, Naini Tal, Rampur, Saharanpur and Shahjahanpur. Two Guides each are also attached to the Sub-Regional Employment Exchanges at Almora and Lansdowne to assist persons seeking employment in the hill tracts of Almora and Garhwal. Employment Exchanges render service, free of charge, to all unemployed persons and employers who approach them in connection with employment.

The State Government also run a Pool Scheme to regulate recruitment and employment of retrenched and casual workers in certain textile and leather concerns at Kanpur on a voluntary basis through four sub-offices attached to the Regional Employment Exchange at Kanpur. This scheme also includes a Sanitary Services Pool, which serves the Municipal and Cantonment Boards.

Chapter XCVIII —Emigration

A—Emigration beyond the limits of India

Old paras.
2265 and
2266

1015. (1) Emigration is a Central subject. The law and rules made by the Government of India are contained in—
Responsibility for emigration arrangements.

(a) The Indian Emigration Act, 1922.

(b) The Indian Emigration Rules, 1923 and Special Rules applicable to Ceylon and Malaya (printed in one volume).

(2) Uttar Pradesh is included in the area to which the authority of the Protector of Emigrants at Calcutta extends. However, the active direction and control of that officer is necessarily confined to operations at the port of embarkation or which can be supervised from Calcutta; hence in practice the supervision and control of recruitment, the transit arrangements for emigrants rests with the respective District Magistrates, who are responsible to see that the provisions of the law and rules are duly observed and that abuses are prevented and remedied. When necessary, references on the subject of emigration may be sent to the Secretary of the Labour Department unless for any particular reason it is thought necessary to send it through the Protector of Emigrants at Calcutta in which case a copy should be endorsed to Government.

2267

1016. No person can operate as an Emigration Agent unless he is in possession of a valid licence issued by the Emigration Commissioner concerned in accordance with the emigration rules. Unlicensed persons are not permitted to recruit emigrants nor can any Emigration Agent recruit unless his licence has been countersigned by the Magistrate of the district. The District Magistrate is empowered to refuse countersignature if he is satisfied that the Emigration Agent is by character or from any other cause unfit to be employed in recruitment of labour. Furthermore, in the event of any misconduct, disregard of the rules or the conditions of the licence granted, the District Magistrate may at his discretion cancel his countersignature. It is necessary in all such matters to give the Agent an opportunity to be heard and to record the reasons for refusal or cancellation of countersignature in writing. Reference should be made in this connection to rules 7 to 16 of the Indian Emigration Rules. A judicious exercise of the above powers by District Magistrates will enable them to prevent misconduct on the part of persons recruiting labour for emigration and will secure proper treatment for the persons recruited without hindering unnecessarily proper and legitimate recruitment.

1017. Particular attention is drawn to rules 18 to 20 of the above rules regarding the places for accommodation of emigrants. These rules require that the Emigration Commissioner shall provide sufficient accommodation for intending emigrants pending their production before the magistrate and removal to the port of embarkation. Those rules also provide that the District Magistrate's prior approval to the site of such depots should be obtained and prescribe the requirements in respect of such places of accommodation. Magistrates should be acquainted with their responsibilities under the rules and the inspections of transit depots required by rule 20 should be regularly made.

Old paras.
2268 to
2275

1018. Emigrants frequently make remittances of money to their friends at home, or emigrants dying abroad leave their property to their next of kin in India. Again, emigrants returning to India frequently take home their savings in the shape of pay orders on treasuries. Remittances are made in some cases by the Agent or Protector, who sends the money direct to the District Officer for payment to the payee while in others the emigrant forwards to the payee an order for the amount of the remittance payable at a treasury. As it is advisable that these remittances should be encouraged to the fullest extent, District Officers should see that payments are made with promptness or with as little inconvenience to the payees as possible.

2276 to
2282.

1019. As regards the emigration of labourers to Ceylon, Straits Settlements and the Malaya States, reference should be made to the Department of Revenue and Agriculture notification no. 213, dated March 10, 1923. Attention is drawn to paragraph 3 of that notification which modifies rules 11 to 14 in respect of recruitments of labour emigrating to those territories.

Emigration to Ceylon,
Straits Settlements
and Malaya.

B—Tea garden labour

1020. For guidance regarding emigrant labour for tea plantations, reference should be made to the Tea Districts Emigrant Labour Manual which contains the Tea Districts Labour Act, 1932, and the rules and notification issued thereunder, as amended up to date.

Tea garden labour.

APPENDICES

APPENDIX 1

(Referred to in paragraph 4 ;

RETENTION AND DESTRUCTION OF RECORDS IN OFFICES UNDER THE DISTRICT MAGISTRATE

LIST I

Miscellaneous correspondence relating to the undernoted subjects may ordinarily be destroyed after *three years* :

Revenue Department—

Arsenic. Supply of—for record rooms.

Books.

Camping grounds. Miscellaneous correspondence and periodical returns concerning—

Famine. Miscellaneous correspondence regarding—

Temporary establishment. Correspondence regarding—Orders sanctioning—(to be weeded three years after termination of posts.)

Appointment Department—

Allowances.

Appointment of Gazetted Officers.

Character of candidates for examination.

Civil Lists.

Death reports.

Examinations.

Joining time.

Leave and transfers of Gazetted Officials.

Posting of Gazetted Officers.

Sale and purchase of property by Government Officers.

General Administration Department—

Army horses. Allotment of surplus--

Army in India Reserve of Officers.

Change of name. Request for—

Cinemas—Collection of fees, inspection notes, etc.

Entertainment and Betting Tax (also see in List II).

Haj Committee.

Holidays. Papers concerning—

Medals. Military—

Paupers. Burial and cremation of—

Pilgrimage.

Post and Telegraph offices and telegrams.

Regular commission in the Army.

Salutes.

Uncertified films. (Three years after noting in the register.)

Visits of important personages.

Wild animals and snakes.

Home Department (Criminal)—

Accused persons. Intermediate custody and dieting of—

Appeals from acquittals. Miscellaneous papers regarding—

Apprehended absconding offenders. The period to be computed from the date of apprehension (*see also* List IV for absconding offenders.)

Apradh Nirodhak Samiti.

Chemical Examiner's analysis (when unconnected with judicial proceedings).

Contraband liquor, opium and drugs. Seizure and confiscation of—

Extradition (period to be computed from date extradition completed).

Honorary Magistrates. Miscellaneous and unimportant papers relating to appointment and notifications regarding renewal of powers of—(Also *see in* List III).

Lotteries.

Powers.

Railway accidents.

Service postage stamps. Wrongful use of—

Stage carriages.

Village headman.

Witnesses. Summoning of, and diet money to—

Wounded persons.

Home Department (Police)—

Chaukidari towns.

Deserters.

Domicile certificates. Issue of—

Foreign missionaries (three years after revision of list).

Foreigners. (For registration of foreigners *see* List III).

Identity certificates. Issue of—

Mail robberies.

No objection certificates. Issue and refusal of—

Passports. Applications regarding—(Also *see in* List II).

Permits. Loss and cancellation of—

Printing presses (*see* List II for returns and declarations regarding presses).

Proscription of publications. Miscellaneous correspondence regarding—(Also *see* List IV).

Rewards.

Temporary permits:

(a) Extensions not exceeding a year or on yearly basis.

(b) Issue to Pakistan nationals including Pakistan Army personnel.

Home Department (Jails)—

Capital punishment. Execution of—

Jails. Inspection of—

Jails. Non-official visitors to—

Lock-ups.

Mercy petitions.

Premature release of prisoners. District Magistrates' opinion regarding —

Prisoners. Escape of—(three years from re-arrest but period not to exceed 35 years in any case).

Prisoners. Classification of—

Prisoners. Escort of—

Probation. Release on—(three years after expiry of the probation period).

Judicial Department—

Assessors.

Government Counsels in the districts (one year after termination of their posts or retirement).

Agriculture Department—

Cane assistants. Appointment of—

Sugarcane and Zone arrangements. *Partial* of—

Finance Department—

Bills and Vouchers. Miscellaneous papers concerning submission of—

Budget grants.

Coinage Statement.

Compassionate gratuity—(three years after payment).

Miscellaneous revenue. Returns of items of—and correspondence relating to their checking.

Pensioners. Remittances from Commissioner of Police, Calcutta, for police—

Pensioners. Remittances for military—

Services. Verification of—

Animal Husbandry and Fisheries Department—

Cattle diseases.

Exhibitions and cattle shows.

Glanders and farcy.

Public Health Department—

Birth and Death returns and connected correspondence.

(Also *see* in List IV)

Epidemics. Miscellaneous correspondence regarding—

Legislative Department—

Separate orders are issued regarding the retention and destruction of files, rules and other papers relating to elections or the Legislature.

Industries Department—

Government *Gazettes*. Surplus copies of—

(One set to be retained permanently.)

Industrial exhibitions other than State exhibitions.

Livery and warm clothing. Supply of—to inferior establishment (except registers or records showing issue of liveries and warm clothing in List II).

Mines and minerals. Unimportant miscellaneous papers concerning—(Also *see* List III)

Petitions and representations.

Petroleum licences and annual returns. (Licences to be retained for three years after expiry.)

Requisitions for papers and routine inquiries relating to the Industries Department.

Stationery. Local purchase of and routine papers regarding—

Stores. Purchase of—

Sugarcane cess. Regulation of—

Sugarcane Inspectors. Appointment of—

Sugarcane minimum prices. Fortnightly notification of—

Sugar Industry. References relating to the—

Weights and measures.

Labour Department

Emigrants.

Factories. Inspection notes and complaints against—

Factory Act. Exemptions from—

Recruiters of emigrants.

Strikes.

Information Department—

Advertisements. Return of—in non-official *Gazettes*.

Publications.

Public Works Department—

Circuit Houses. (Also *see* in List III)

Ferries.

Roads.

General—

- Advisory Committees. Appointment of members to—
- Answers to questions in the State Legislature.
- Arboriculture.
- Candidates for service appointments. Papers regarding—
- Chaukidar's death and birth registers (P. H. form no. 9 up to December 31, 1950) and Panchayat Raj form ' च ' (from January 1, 1951).
- Fairs. (Also see in List II)
- Fortnightly reports. (See also paragraph 247).
- Government appeals. Miscellaneous papers concerning—
- Indents.
- Indian Companies Act. Inquiries regarding companies registered or to be registered under—
- Local improvements.
- Marriages. (For register see List IV)
- Miscellaneous correspondence of an unimportant nature.
- Pounds. (Also see in List II)
- Reformatories. Character of boys from—
- Repatriation (three years after dues are recovered or written off).
- Revisions. Criminal—
- Scholarships. Papers concerning applications for—
- Traffic Area Committee. Proceedings of—
- Unimportant correspondence with authorities in Nepal, Kashmir and Bhutan.
- Vaids and Hakims. Registration of—(three years after the death of the person concerned)
- Visits of Ministers. Correspondence and miscellaneous papers regarding—

LIST II*Papers to be retained for 12 years***Revenue Department—**

- Appointment of staff. Correspondence relating to demands for—
- Calamities (Fire, flood and earthquake).
- Orphans and unclaimed children. Papers regarding—

Appointment Department—

- Appeals.
- Memorials.
- Punishment of officials (including suspension). Papers regarding—
- Representations.
- Retirement.

General Administration Department—

Camp equipment (except purchase of tents for which see paragraph 1166, Revenue Manual).

Census. Correspondence regarding—(To be destroyed three years after next census)

Coat-of-Arms.

Correspondence. Instructions regarding—

Enclaves. Absorption of—

Entertainment and Betting Tax. Important decisions regarding—

State language. Papers concerning—

Territorial Force.

Treasure Trove.

Warrant of precedence.

Home Department (Police)—

Associations. Unlawful—

Passports. Correspondence regarding rejection of—

Physical removal of persons from India to Pakistan.

Papers regarding—

Poisons and Explosives Act. Sanctioned applications for grant of licences under—

Printing presses. Returns of—(Declarations regarding printing presses to be retained as long as they are valid and five years thereafter.)

Rejected cases of :

Form 'C' or Form 'D' : application for permanent resettlement in India and of conversion of temporary permits into permanent.

Subscriptions. General orders regarding raising of—by Government servants.

Judicial Department—

Deceased persons. Claims to property of—

Civil Courts. Proposals for exemption of persons from attendance at—

Correspondence relating to registration of documents. (The document itself will be retained permanently.)

Industries Department—

Customs and tariffs. References relating to—

General industries. References relating to—

Liveries and warm clothing. Registers or records showing issue of—

Scholarships. Award of State technical—

Schools. Technical and Industrial—References relating to opening of—

Labour Department—

Accident reports and payment of compensation by factories.

Smoke nuisance.

Unemployment. References relating to—

General—

Accidents—Reports of shooting, bombs, aircraft, railways, etc.

Air raid precautions.

Candidates for employment. Verification of the character and antecedents of—

Commerce (including Banking). References regarding—

Disposal or acquisition of land by Government (retain while land is in Government possession and weed 12 years after disposal).

Fairs (other than Magh and Kumbh). Orders regarding—

Habitual criminals. Correspondence regarding previous history or previous connections of—

Immigration.

Indians abroad. Whereabouts of—

Literary Societies. Returns of —

National Cadet Corps.

Pounds. Establishment of—

Power Alcohol. References regarding—

State exhibitions. References regarding—

Transfer of waters to the Animal Husbandry and Fisheries Departments consequent upon abolition of Zamindari.

LIST III*Papers to be retained for 35 years*

Abandoned Offenders. Proposals and orders regarding immovable property of—

Associations of Government servants. General orders regarding—

Chaukidari Towns. Proposals for taxation or exemption from taxation of—

Cinemas. Papers regarding erection and licensing of—

Circuit Houses. Important orders relating to—

Emigrants. Register of—

Establishment. Correspondence relating to increase or decrease of permanent—(See also in List IV)

Foreigners. Register of—

Grants-in-aid. General instructions regarding—

Honorary Magistrates. Important papers regarding appointment or removal of—

Influx from Pakistan (Control) Act.

Loans. General instructions regarding the grant of—
Melas—Magh and Kumbh. Important papers relating to—
Military personnel and liaison between Civil and Military.
Mines and Minerals. Important references regarding—
(Provided that leases and certificates of approval of prospecting licences shall be retained for three years after the expiry of their term.)

Naturalization.

No Objection Certificates. Register of—

No Objection Certificates (Certificates of identity). Register of—

Oaths of Office.

Pensions. Forfeiture and restoration of—

Permanent permits. Issue of—by the Deputy or High Commissioner for India in Pakistan.

Permit system. Rules, Government of India's instructions and Government circulars relating to—

Political sufferers and dependants of mutiny veterans. Allowances and similar allowances terminating within a life-time to—

Printing Presses and Newspapers. Security from—

Qazis. Appointment of—

Recruits. Register of—

Sabotage on railways.

Salutes. Important papers concerning—

State Prisoners. Papers relating to—

State Services. Rules relating to—

Temporary Permits. Conversion of—into permanent where conversion actually effected.

Titles. Papers connected with—

Generally important papers which it is considered unnecessary to retain permanently but which should be retained for a longer period.

LIST IV

Papers to be retained permanently

Acquisition of land for industrial or public purposes.

Antiquarian remains. Register and correspondence regarding preservation of—

Bills and Acts. (Surplus copies need not be retained permanently).

Birth and death registers in P. H. forms nos. 1 and 5.

Boundary disputes between U. P. and other States (Important papers only.)

Cantonments. Important correspondence relating to—

Communal matters. Important papers relating to—

Dak bungalows, encamping grounds, wells, roads, ferries, sarais, etc. Important correspondence regarding—

Defence zone. Important papers regarding—

Establishment. Orders sanctioning permanent—

Famine. Instructions with programme for relief of and construction of buildings and roads during—(Retain till next famine).

Flags. Flying of—(To be preserved until cancelled or suspended).

Ganga Khadir and Tarai Bhabar colonization scheme and other colonization schemes which have matured. (Main files only.)

Government gazette. (Only one set to be retained permanently.)

Indo-Pakistan relations. Matters of policy concerning—

Law and order. Important matters of policy relating to—

Marriage. Register of—

Memorial statues. Important orders regarding—

Mortuary and birth statistics in P. H. form no. 9 for the years prior to 1911 for which there are no P. H. forms nos. 1 and 5.

Nazul. Permanent lease of—

Political associations.

Political pensions.

President and Governor. Rules for protection of—

Proscription of publications. Notification of—

Purchase and sale of Dehydration factories. (Main file)

Registers of permanent utility generally.

Rules and regulations framed under the various Central and State Acts.

Scheduled castes. Important instructions relating to—

Security schemes and Railway security schemes.

Important matters of policy relating to—

Transfer of area. Papers relating to—from one to another jurisdiction.

Important G. Os., B. Os. and circulars issued by the Land Reforms Commissioner. (Surplus copies need not be retained permanently. All circulars, G. Os. and B. Os. should be destroyed after they are cancelled or superseded unless there is special reason for their retention).

Registered documents.

APPENDIX 2

(Referred to in paragraph 22)

FORM " A "

Confidential report on officers of the Indian Civil Administrative Cadre

Name of officer.

How employed.

(The report should comment generally on the way in which the officer has carried out his various duties during the year and should give an estimate of his personality, character and abilities, making particular mention of the adequacy of his touring and the touch with and control over his subordinates which he maintains and of his relations with his fellow officers and the general public. It should also contain an opinion on any point specially required at any particular time, e.g., fitness to pass an efficiency bar and in the case of members of the Civil Executive Service to hold a promotion post.)

FORM " B "

Confidential report on officers of the Indian Police Service

Name of officer.

How employed.

(The report should comment generally on the way in which the officer has carried out his various duties during the year and should give an estimate of his personality, character and ability, including his ability to supervise detection of crime and the prosecution of the accused. Particular mention should be made regarding the adequacy of his touring and the touch with and control over his subordinates which he maintains and of his relations with his fellow officers and the general public. It should also contain an opinion on any point specially required at any particular time, e.g., fitness to pass an efficiency bar and in the case of members of the U. P. Police to hold a promotion post.)

APPENDIX 3

(Referred to in paragraph 33)

Form of Annual Reports regarding integrity of officers

Report regarding integrity of officers for the year.....

1. Name of the Office or Department.
2. Name of the Principal Head of Office/Head of Department.
3. Number and names of gazetted officers in the Office/Department.
4. Number of subordinates in the Office/Department*.
5. Percentage of subordinates who are of undoubted integrity :
 - (1) In respect of Gazetted Officers.
 - (2) In respect of Upper Subordinate Service.
 - (3) In respect of rest.
6. Steps taken by the Principal Head of Office/Head of Department to check corruption among his subordinates.*
7. Detailed comments about each case in which integrity certificate has been withheld and about the steps taken consequent on the withholding of such certificates.*
8. Declaration.—I hereby declare that—

(i) I have made every possible effort to check corruption among my subordinates ; and

(ii) I have given the most careful attention to the grant or withholding of these certificates and in no case have given a certificate unless satisfied without reservation about the integrity of the officer concerned and in order to be able to discharge my responsibility in this matter I have kept a secret record in respect of each officer of Gazetted rank or of Upper Subordinate Service in accordance with the suggestions in paragraph 2(2) (a), (b) and (c) of G. O. no. 2327/II-B—69-1948, dated July 24, 1948.

Principal Head of Office/Head of Department.

Remarks entered by the Administrative Department of the Government.

Certified that.....has made determined effort to check corruption among his subordinates.

Secretary to Government, Uttar Pradesh,

.....*Department.*

*If space is found insufficient separate plain sheets may be used.

APPENDIX 4

(Referred to in paragraph 92)

Authorities empowered to grant casual leave and permission to leave the station to gazetted officers

Sanctioning Authority

Subordinate Officers

Government in the Administrative Department concerned.	Head of Department.
Under Secretary to Government in the Excise Department.	Prohibition and Social Uplift Officers.
The Chief Justice of the High Court of Judicature, Allahabad, or the senior Judge on duty.	District Judges, Additional District Judges and Civil and Sessions Judges.
NOTE :—Permission to leave the station during holidays can be granted by District Judge to Additional District Judges, Civil and Sessions Judges, Civil Judges and Munsifs and by the Civil and Sessions Judge not at Headquarters to Civil Judges and Munsifs.	
District Judges	Civil Judges and Munsifs.
Administrative Member, Board of Revenue.	Judicial Members, Board of Revenue and Commissioners of Divisions.
Land Reforms Commissioner.. ..	Indian Civil Administrative Cadre officers, State Civil Service officers and all gazetted officers employed under the Land Reforms Commissioner.
Commissioners of Divisions	Additional Commissioners, District Magistrates, Additional District Magistrates (Judicial) and Official whole-time Chairman of Municipal Board.
Inspector General of Police	Deputy Inspectors General of Police, Assistant Inspector General of Railway Police and Assistant to the Inspector General of Police.
Deputy Inspector General of Police, Headquarters and Railways.	Superintendent of Police, Headquarters.
Deputy Inspector General of Police, Provincial Armed Constabulary and Training.	Commandants of Provincial Armed Constabulary, Principal, Police Training College, Moradabad, Provincial Wireless Officer, Lucknow and Staff Officers of the Deputy Inspector General of Police, Provincial Armed Constabulary and Training.
Deputy Inspectors General of Police of Ranges.	Superintendents of Police (with the concurrence of the District Magistrate).
Superintendents of Police	Junior Indian Police Service officers and Deputy Superintendents of Police and Regional Fire Officers (Grant of leave to be reported to the Deputy Inspector General concerned).
Provincial Wireless Officer	Assistant Wireless Officers.
Commandant, Provincial Armed Constabulary	Assistant Commandants and Adjutants, Provincial Armed Constabulary.
Inspector General of Registration	Inspectors of Stamps and Registration

Sanctioning Authority

Subordinate Officers

Inspector-General of Prisons, Uttar Pradesh.	Deputy Inspector General of Prisons, Director and Assistant Director of Jail Industries, all whole-time superinten- dents of jails in Uttar Pradesh (under intimation to the District Magistrate, concerned) Principal, Jail Training School, Lucknow, Personal Assistant to the Inspector General of Prisons, and the Officer in charge, Jails Depot, Lucknow.
Superintendents of Central and Model Prisons.	All Deputy Superintendents, Jailors, Medical Officers and Assistant Medical Officers holding gazetted posts.
Superintendents of District Jails ..	Jailors, and Assistant Medical Officers, who are gazetted officers.
Principal, Jail Training School, Lucknow	Trainees who are gazetted officers (subject to special rules of the School governing casual leave).
Director of Medical and Health Services	Additional Director of Medical and Health Services, Deputy Directors of Medical and Health Services, Superintendent, Nursing Services, Civil Surgeons (under intimation to the District Magistrates of the districts), Chemical Examiner, Superintendents of Mental Hospitals and Principal, Medical College, Agra.
Deputy Director of Medical and Health Services.	Assistant Director of Medical and Health Services of the Ranges, Assistant Direc- tors of Provincial Hygiene Institute, Malariology, Health Publicity and Epi- demiology and the Assistant Drugs Controller.
Assistant Director of Provincial Hygiene Institute.	Lecturers of the Provincial Hygiene Insti- tute, Medical Officer in charge, Cholera Vaccine Section, and Nutrition Survey Officer.
Assistant Director, Malariology ..	Assistant Malaria Officer and the Entomo- logist attached to Malaria Branch.
Assistant Directors of Medical and Health Services of the Ranges.	District Medical Officers of Health and Municipal Medical Officers of Health belonging to U. P. Public Health Service (under intimation to the District Magistrate), Medical Officer in charge, Industrial Health Organization, Superintendent, Government Vaccine Depot, Patwadanger and School Health Officers.
District Medical Officers of Health	Medical Officer in charge, Anti-epidemic Operations, Kala Azar Medical Officers, Anti-Malaria Officers and other gazetted officers of the Public Health Depart- ment posted in the districts for non- municipal and rural areas.
Municipal Medical Officers of Health ..	Additional Municipal Medical Officers of Health.
Civil Surgeons, Superintendents of Mental Hospitals, Principal, Medical College, Agra and the Chemical Examiner to Government, U. P.	All gazetted officers under them.
Chief Conservator of Forests ..	Conservator of Forests.

<i>Sanctioning Authority</i>	<i>Subordinate Officers</i>
Conservator of Forests ..	Deputy and Assistant Conservators and extra Deputy and extra Assistant Conservators.
Director of Agriculture ..	All gazetted officers directly subordinate to him.
Director of Cottage Industries	All gazetted officers subordinate to him.
Entertainment and Betting Tax Commissioner.	Assistant Entertainment and Betting Tax Commissioners.
District Magistrates concerned	Officers of the Indian Civil Administrative Cadre, State Civil Service Officers, Special Railway Magistrates and subordinate executive service officers, Judicial Officers of the districts other than "Separation Districts".
Additional District Magistrates (Judicial) concerned.	Judicial Officers in the "Separation Districts".
Chief Engineer, Public Works Department.	Superintending Engineers.
Superintending Engineers, Public Works Department.	Executive Engineers.
Superintending Engineers, Agriculture ..	Agricultural and Assistant Agricultural Engineers.
Chief Engineer, Irrigation Department ..	Superintending Engineers and Personal Assistants to the Chief Engineer, Irrigation Department.
Superintending Engineers, Irrigation Department.	Executive Engineers, Irrigation Department.
Executive Engineers, Irrigation Department.	Assistant Engineers, Sub-Divisional Officers and Deputy Revenue Officers provided that previous permission of Superintending Engineer is obtained when he is touring or is about to tour within the jurisdiction of the officer desiring the casual leave.
Other Executive Engineers	Assistant Engineers under their control.
Chief Engineer, Electricity Department ..	Superintending Engineers.
Superintending Engineers, Electricity Department.	Executive Engineers.
Principal, Agricultural College, Kanpur.	All gazetted officers attached to the Agricultural College, Kanpur.
Deputy Director of Agriculture (Head-quarters).	All Headmasters of the Government Agricultural Schools, Jute Development Officer and Cotton Development Officer.
Director, Sugarcane Research, Shahjahanpur.	All gazetted officers subordinate to him.
Crop Physiologist to Government, Lucknow.	Ditto
Deputy Director, Seeds and Farms, Lucknow.	Ditto
Deputy Director, Fertilizers and Manures, Lucknow.	Ditto
Deputy Director, Soil Conservation, Lucknow.	Ditto
Deputy Director, Horticulture, Lucknow.	Ditto
Deputy Director, Intelligence and Publicity, Lucknow.	Ditto
Economic Botanist (Rabi cereals and potatoes) to Government, Kanpur.	Ditto
Economic Botanist (Oil Seeds) to Government, Kanpur.	Ditto
Economic Botanist (Cotton) to Government, Aligarh.	Ditto

*Sanctioning Authority**Subordinate Officers*

Agricultural Chemist to Government, Kanpur.		All gazetted officers subordinate to him.
Plant Pathologist to Government, Kanpur.		Ditto.
Entomologist to Government, Kanpur ..		Ditto.
Excise Commissioner		Ditto.
Animal Husbandry Commissioner, U. P.		Director of Animal Husbandry, Principal, U. P. College of Veterinary Science and Animal Husbandry, Mathura, Deputy Director of Mechanised State Farms and gazetted officers directly under his control.
Director of Animal Husbandry ..	..	Deputy Directors of Animal Husbandry in charge of Circles and gazetted officers directly under his control.
Deputy Director, Mechanised State Farms, Principal, U. P. College of Veterinary Science and Animal Husbandry.		All gazetted officers subordinate to him.
Deputy Directors of Animal Husbandry in charge of a circle.		Ditto.
Director of Colonization	..	Ditto.
Director of Panchayats	..	Ditto.
Sales Tax Commissioner	..	Deputy Sales Tax Commissioner, Assistant Commissioners, Sales Tax and Sales Tax Officers at the Headquarters.
Assistant Commissioners, Sales Tax ..	..	Sales Tax Officers in the respective Ranges of the Assistant Commissioners, Sales Tax.
Examiner, Local Fund Accounts ..	..	Assistant Examiners, Local Fund Accounts.
Director of Harijan Welfare ..	..	Regional Harijan Welfare Officers, Group Officers and Managers of Criminal Tribes Settlements.
Labour Commissioner ..		Deputy Labour Commissioners, Chief Inspector of Factories, Chief Inspector of Boilers, Assistant Labour Commissioners, Officer on Special Duty, Regional Conciliation Officers and Deputy Chief Inspector of Shops and Commercial Establishments.
Deputy Labour Commissioners		Labour Officers, Conciliation Officers other than Regional Conciliation Officers and all gazetted officers other than Inspectors of Factories and Boilers.
Chief Inspector of Factories		Deputy Chief Inspector of Factories and other Inspectors and gazetted officers in Factory Section of the office of the Labour Commissioner.
Chief Inspector of Boilers ..	..	Inspectors of Boilers.
Development Commissioner ..	..	Deputy Development Commissioners and other gazetted officers under the Development Commissioner.
Administrative Commandant, Prantiya Rakshak Dal, Headquarters.		Assistant Commandants.
Cane Commissioner	..	All gazetted officers subordinate to him.
Director of Information	..	Ditto.
Transport Commissioner	..	Deputy Transport Commissioners and other gazetted officers at his headquarters.

Sanctioning Authority

Subordinate Officers

Deputy Transport Commissioner (Administration).	Regional Transport Officers and Assistant Regional Transport Officers.
Deputy Transport Commissioner (Roadways).	General Managers and Assistant Regional Managers, Service Managers and Accounts Officers of Roadways.
Deputy Transport Commissioner (Enforcement).	Deputy Superintendent of Police of the Enforcement Branch.
Superintendent, Government Press ..	All gazetted officers subordinate to him.
Director of Education, Uttar Pradesh ..	Deputy Directors of Education at the Headquarters, Regional Deputy Directors of Education, Principal, Government Central Pedagogical Institute, Allahabad, Director of Psychological Bureau, Allahabad, Director of Social Service, U. P., Director of Physical Education, U. P. and Director of Military Education, Principal, Government Sanskrit College, Banaras, Principals of Government Degree Colleges, Secretary, Board of High School and Intermediate Education, U. P., Assistant Director of Education (Women), U. P., Registrar, Departmental Examinations, U. P., Personal Assistants to Director of Education attached to Camp Office and other gazetted officers serving directly under him.
Regional Deputy Directors of Education.	District Inspectors of Schools.
Assistant Director of Education (Women)	Regional Inspectresses of Girls Schools.
Principal, Government Central Pedagogical Institute, Allahabad.	Vice-Principal of Government Training College, Allahabad and Vice-Principal and other Professors of Government Central Pedagogical Institute, Allahabad.
Principal of Government Sanskrit College, Banaras.	Registrar, Sanskrit College, Banaras and Inspector of Sanskrit Pathshalas and other gazetted officers subordinate to him.
Secretary, Board of High School and Intermediate Education, Uttar Pradesh.	All gazetted officers under him.
Principals of Government Training Colleges.	All gazetted officers under them.
District Inspectors of Schools ..	Principals of Government Higher Secondary Schools, Headmasters of Government Normal Schools and Deputy Inspectors of Schools.
Joint Registrar, Co-operative Societies, U. P.	All Class I officers of the Co-operative Department.
Class I gazetted officers of the Co-operative Department	All Class II officers other than those posted as Assistant Registrars in the districts.
District Planning Officers ..	Assistant Registrars, Co-operative Societies posted in the districts and District Agricultural officers.

NOTE :—With regard to the Secretariat Officers reference should be made to the U. P. Secretariat Manual.

APPENDIX 5

(Referred to in paragraph 97)

Instructions regarding the recognition by the Uttar Pradesh Government of Associations of its employees other than Associations of Industrial employees.

Instructions

PART (A)—Associations of Government employees serving in Uttar Pradesh other than those in the Police and Prisons Departments.

1. Government is prepared to accord official recognition to associations of its employees which comply with the conditions set out below.
2. The association must ordinarily consist of a distinct class of Government employees.
3. Every Government employee of the same class must be eligible for membership of the association.
4. Ordinarily Government will not object to persons who are not in the active service of Government being office holders of the association, but Government reserve the right in particular cases to refuse recognition to associations of which all the office-holders are not either in the active service of Government or honourably retired officers belonging to the same class of Government employees as the association represents.
5. Representations from such associations, whether made orally by deputation, or presented in writing, may be received by Government officers notwithstanding anything contained in the rules relating to the submission of petitions and memorials by Government servants.

Provided that—

- (a) No representations or deputation will be received, except in connection with a matter which is, or raises questions which are, of common interest to the class represented by the association ; and
 - (b) Nothing in these instructions affects the discretion of the Governor, the Ministers or the Head of a Department or any other officer of Government to receive or not to receive a deputation from any association.
6. Recognition is accorded for the purpose of enabling the employees of Government to communicate their needs to Government or to Government officers and it may be withdrawn by Government if an association adopts other methods of ventilating those needs.
 7. An association must submit a copy of the rules when applying for recognition. If recognition is accorded the association must submit for the information of Government any amendments to its rules. Government may also require the regular submission, for its information, of copies of the annual statement of accounts and of the list of members of a recognized association.

8. All representations to Government from associations must be addressed to the head of the department concerned in the first instance and will be forwarded by him to the Administrative Department of Government which already deals with references regarding this department.

9. The officer who is empowered to grant leave to a Government employee will, so far as is possible, grant casual leave to an employee who is a representative of a recognized association to attend duly constituted meetings of the association. The grant of such leave will be subject to the exigencies of the service, of which the officer in question shall be the sole judge.

NOTE—The leave granted to members of recognized associations for attending duly constituted meetings will be reckoned as special casual leave and not ordinary casual leave which is limited to 14 days in a year.

10. (1) In these instructions, unless the context otherwise requires, "Government" means the State Government.

(2) A department of the State Government may issue subsidiary instructions regarding the recognition of associations of classes of Government employees subordinate to it.

PART (B)—*Association of employees in the Police and Prisons Departments in Uttar Pradesh.*

The instructions in Part (A) shall be applicable to associations of employees in the Police and Prisons Departments with the addition of the following clauses to instructions 2 and 7 and the substitution of the following instruction for instruction 4 and of the following proviso for proviso (a) to instruction 5 :

Instruction 2—The association shall also consist of such distinct rank or ranks of employees as Government may prescribe, provided that Government may accord recognition to particular associations of specified ranks of employees in the Police Department of which specified ranks of employees in the Excise Department are also members.

Instruction 4—No person who is not in the active service of Government or an honourably retired officer belonging to the same class of Government employees shall be an office-holder of the association.

Instruction 5—*Proviso (a)* No representation or deputation will be received on questions of discipline or of promotion affecting individuals ; but representations or deputations may be received in connection with a matter which is, or raises questions which are, of common interest to the class represented by the association.

Instruction 7—No rule of the association shall be valid until it has received the approval of Government and Government may from time to time require the modification of a rule or proposed rule in a particular manner.

APPENDIX 6

House property

[illegible]

If I acquire any more immovable property in future I will declare the fact in the above form within one month of the date on which accrual of the property comes to my knowledge.

Signed _____

Designation _____

Date _____

N.B.—The immovable property includes house or landed property held under a mortgage or lease.

Property held or managed by or on behalf of an officer's wife or other members of his family joint with or living with or in any way dependent on him is, for the purpose of the declaration, considered to be held or managed by the officer himself.

APPENDIX 7

(Referred to in paragraph 122)

**INSTRUCTIONS REGARDING DEFENCE OF CRIMINAL PROCEEDINGS
AGAINST GOVERNMENT SERVANTS IN THEIR OFFICIAL CAPACITY.**

Criminal Proceedings.

(1) In the case of criminal prosecutions instituted against superior officers, the provisions of section 197, Criminal Procedure Code, are applicable, and will be followed.

(2) When a government servant is accused of committing an offence on the ground of some act done by him in his official capacity, he shall at once inform his superior officer and unless he desires to be defended at the expense of Government in accordance with the following provisions, shall make his own arrangements for his defence, either with or without the aid of counsel. His superior officer will at once inform the Head of the Department through the proper channel of every case in which a government servant has been accused of committing an offence.

(3) A government servant accused of having committed an offence on the ground of some act done by him in his official capacity may apply to be defended at the expense of the Government. Such application should in the first place be made to his superior officer. If the charge is of such a trivial nature that it can be adequately met by the personal appearance of the accused officer, the superior officer will advise the officer to defend himself in person. In other cases, the superior officer will forward the application through the District Magistrate to the Head of the Department together with his opinion whether or not the officer should be defended at Government's expense. When forwarding the application to the Head of the Department, the District Magistrate should state whether in his opinion the accused officer should be defended by the prosecuting inspector or failing him by counsel at Government's expense, or should be required to engage his own counsel for his defence. The Head of the Department on receipt of the District Magistrate's recommendation will obtain the orders of the Government as to whether the accused officer may be defended by the prosecuting inspector or by counsel at Government expense.

(4) Where the orders of Government on an application for defence of a government servant are not received one week before the date fixed for the hearing of the case, he should apply to the court for an adjournment. If the court does not sanction the application for adjournment, the government servant will make his own arrangements for his defence pending the orders of Government.

(5) When a government servant is defended at Government expense, his defence shall, in any case in which he is committed for trial by a Court of Sessions, be deemed to cover his defence both during the inquiry in the Magistrate's court and during the trial in the Court of Sessions.

When a government servant whose defence has been undertaken at Government expense is discharged by the Magistrate, but has again to defend himself on an application for revision of the Magistrate's orders, the officer may continue to be defended at Government expense with the sanction of the Head of the Department. The Head of the Department may, however, refuse the defence of the officer at Government expense in respect of such revision application if the Magistrate's order or other information in his possession discloses sufficient grounds for such refusal.

(6) If a government servant is convicted of the offence of which he is accused and desires to appeal, he must engage his own counsel; but in such cases the Government may subsequently pay reasonable expenses for his defence.

(7) At the conclusion of the inquiry or trial in the Magistrate's court, or of the trial in the Sessions Court, of a government servant accused of committing an offence on the ground of some act done by him in his official capacity, or after the decision of an appeal, if any, in a case in which a government servant has been convicted, his superior officer will at once send a copy of the judgment together with any other relevant papers to the District Magistrate, together with his opinion whether or not the officer acted honestly and with due care and attention.

(8) The District Magistrate will forward the judgment with the opinion of the superior officer to the Head of the Department, together with his own opinion whether or not the officer acted honestly and with due care and attention. Whether or not the District Magistrate considers that the officer acted honestly and with due care and attention, he will in every case state what in his opinion should be regarded as the reasonable expenses of the defence.

(9) The Head of the Department on receipt of the District Magistrate's recommendation will obtain the orders of the Government as to the amount, if any, which should be paid to the officer for the expenses of his defence.

(10) Where a case in which Government have defended an officer is successful and he is awarded costs, damages or compensation, the expenditure incurred by Government up to the limit of such costs, damages or compensation as may be recovered by him, will be refunded by him to Government. To this end, he shall take all necessary steps through the District Government Counsel to realize any sum recoverable.

(11) Whenever in a criminal case a government servant is convicted, Government may realize from him the cost incurred by Government in his defence. In such a case, Government will further not be bound to pay any fine imposed by the court even though the case may initially have been defended at Government expense.

APPENDIX 8

(*Referred to in paragraph 189*)

Alphabetical list of names with titles of Vindhya Pradesh Rulers together with their Postal Addresses.
[*Vide* G. O. no. 4383/III—521(5)-49, dated July 24, 1950.]

Serial no.	Name of State	Name of Ruler	Post Office	Form of address in D. O. Letters
1	Banka Pahari	.. Diwan Jagat Pratap Singh, Jagirdar of—.	Gursarai (Jhansi)	.. My dear Diwan Sahab.
2	Baoni	.. H. H. Azam-ul-Umra Iftikhar-ud-Daulah Imad-ul-Mulk Sahib-i-Jah Mahin Sardar Nawab Muhammad Mustaq-ul-Hasan Khan Safdar Jang, Nawab of—.	Baoni State ..	.. My dear Nawab Sahab.
3	Beri	.. Rao Yadvendra Singh, Rao of—	Beri (via Kalpi)	.. My dear Rao Sahab.
4	Bhaïsoundha	.. Chaube Lalit Kishore, Jagirdar of—	Chitrakot ..	.. My dear Jagirdar Sahab.
5	Bihat	.. Rao Virendra Singh Ju Deo, Rao of—	Kohania (via Harpalpur)..	My dear Rao Sahab.
6	Bijna	.. Diwan Himmat Singh, Jagirdar of—	Uldan (via Mau-Jhansi)	.. My dear Diwan Sahab.
7	Charkhari	.. H. H. Maharaja-Dhiraja Sipahdarul-Mulk Jayendra Singh Ju Deo Bahadur, Maharaja of—.	Charkhari ..	.. My dear Maharaja Sahab.
8	Dhurwai	.. Diwan Keshavendra Singh, Jagirdar of—.	Tori-Fatehpur (via Mau-Jhansi).	My dear Diwan Sahab.
9	Garrauli	.. Capt. Diwan Bahadur Raghuraj Singh, Jagirdar of—.	Nowgong, Bundelkhand	.. My dear Diwan Bahadur Sahab.

Serial no.	Name of State	Name of Ruler	Post Office	Form of address in D. O. Letters
10	Jigni ..	Rao Bhupendra Vijai Singh, Rao of—	Jigni (via Orai-Jalaun)	.. My dear Rao Sahab.
11	Nuigawan-Rebai ..	Kunwar Ratan Singh, Jagirdar of—	Nowgong, Bundelkhand	.. My dear Kunwar Sahab.
12	Samthar ..	H. H. Maharaja Radha Charan Singh Deo Bahadur, Raja of—	Samthar	.. My dear Maharaja Sahab.
13	Sarila ..	Raja Mahipal Singh, C. S. I., Raja of—	Sarila	.. My dear Raja Sahab.
14	Tarson ..	Chaube Ganga Prasad, Jagirdar of—	Chitrakot	.. My dear Jagirdar Sahab.
15	Tori-Fatehpur ..	Diwan Raghuraj Singh, Jagirdar of—	Tori-Fatehpur (via Mau-Jhansi).	My dear Diwan Sahab.

APPENDIX 9

(Referred to in paragraph 228.)

List of annual reports and returns submitted to Government

Department	Title of report or return	Year of report	By whom submitted	Date for submission to Government	Number of prescribed pages
Revenue	Revenue Administration Report	Revenue	Board of Revenue and Land Reforms Commissioner.	February 15	100
	Land Records Administration Report.	Do.	Land Reforms Commissioner	Ditto	15
	Season and Crop Report	Agricultural	Ditto	September 7	40
Appointment	Communal composition of Scheduled Castes in the I. C. S./I. A. S. and in the I. P./I. P. S.	Calendar	Appointment (A) Department and Inspector General of Police.	December 31	2
Medical	Report on Civil Hospitals and Dispensaries.	Do.	Director of Medical and Health Services.	June 1	20
	Report on Mental Hospitals	Do.	Ditto	March	8
	Report of the Medical College and S. N. Hospital, Agra.	Financial	Ditto	After May 15	..
	General Administration Report..	Calendar	Ditto	March 8	..
	General Administration Report of the Ayurvedic and Unani Department.	Do.	Ditto	June 1	..
	Report on the working of the Ayurvedic and Unani Institutions.	Do.	Deputy Director of Medical and Health Services (Ayurvedic).	May 15	..

APPENDIX

Department	Title of report or return	Year of report	By whom submitted	Date for submission to Government	Number of pages prescribed
Home (Criminal)	Report of the Chemical Examiner to Government, U. P.	Calendar	Director of Medical and Health Services.	March 1	..
	Report on the working of the First Offenders Probation Act.	Do.	Chief Probation Officer	Do.	..
Judicial	Report on the Administration of Justice.	Do.	Registrar, High Court, Allahabad.	June 30	..
Police	Report on the Administration of Police Department.	Do.	Inspector General of Police	April 1	40
	Return showing the strength and armament of the State Police.	Do.	Ditto	January 15	..
	Statement of Afghan refugees in Uttar Pradesh.	Do.	District Magistrates, Sitapur, Saharanpur, Shahjahanpur, Pratapggarh, Allahabad and Meerut.	January 31	..
	Triennial return of educational allowances granted to dependants of Afghan refugees in U. P.	Every three calendar years.	Ditto	Ditto	..
	Return of child murders	Calendar	Registrar, High Court, Allahabad.	After close of year	..
	List of police officers recommended for award of medals for meritorious or distinguished services.	Twice a year	Inspector General of Police	October 26 and May 15.	..
	Return of printing presses, books and periodicals.	Financial	All District Magistrates	May 1	..

	Statement of licensed and exempted firearms.	Calendar	..	All District Magistrates	..	February 1	..
	Report on the working of the Arms Act.	Do.	..	Ditto	..	Ditto	..
Finance	Report on the Administration of the Registration Department.	Financial	..	Inspector General of Registration.	..	May 1	..
	Annual note on Stamp revenue	Do.	..	Chief Inspector of Stamps	..	July 1	..
	Report of the Inspectorate of Offices.	Do.	..	Chief Inspector of Offices	..	September 1	..
	Annual report of the Local Fund Accounts Department.	Do.	..	Examiner, Local Fund Accounts.	..	August 1	..
Municipal	Annual report of the Chief Engineer, L. S. G. Engineering Department.	Do.	..	Chief Engineer, L. S. G. Engineering Department.	..	July 31	..
	Report of the Town and Village Planning Department.	Do.	..	Town and Village Planner	..	Ditto.	..
Agriculture	Report on the Administration of the Agriculture Department.	Agricultural	..	Director of Agriculture	..	October 15	..
Co-operative	Report on the working of the Co-operative Societies.	Do.	..	Registrar, Co-operative Societies.	..	November 1	..
Cane	Detailed notes showing the basis on which subsidy is proposed to be distributed.	Financial	..	Cane Commissioner	..	February 1 or earlier.	..
	Detailed notes showing the rate and amount utilized in subsidy.	Do.	..	Ditto	..	June 1	..
	Note showing final distribution of subsidy after the season.	Do.	..	Ditto	..	July 31	..
	Revised statements of cess receipts from sugarcane under head XIII.	Do.	..	Ditto	..	November 15	..
	Annual Administration Report	Agricultural	..	Ditto	..	September 15	..

Department	Title of report or return	Year of report	By whom submitted	Date for submission to Government	Number of prescribed pages
Animal Husbandry and Fisheries.	Annual Administration Report	Agricultural	Director, Animal Husbandry, U. P., Deputy Director, M. S. F. and Principal, U. P. College of Veterinary Science and Animal Husbandry, Meerut.	October 15	
Excise	Report on Excise Administration	Financial	Excise Commissioner	September 7	
	Report on the working of U. P. Sales of Motor Spirit Taxation Act.	Do.	Ditto	September 15	
Forest	Annual Report on appointments	Calendar	Chief Conservator of Forests, U. P.	January 15	
	Progress Report on wattle plantations.	Do.	Ditto	April 1	
	Confidential Report on Deputy Conservators, etc., fit for promotion to the rank of Conservator.	Financial	Ditto	April 15	
	Confidential Report on all I. F. S. and P. F. S. Officers.	Do.	Ditto	June 1	
	Report on Forest Administration in U. P.	Do.	Ditto	August 1	
	Statement showing officers' leave and deputation allowances payable in England and any other class of expenditure payable in England.	Period of 18 months from September 1 of the current year to March 31 of the ensuing financial year.	Ditto	August 31	
	Draft paragraphs for the Annual Administration Report of the U. P. State.	Financial	Ditto	December 15	
	Report on the activities of the Department.	Do.	Ditto	Ditto	

Education	General Report on Education	Financial	Director of Education	October 15	.. In two volumes.
Public Health.	Public Health Report	Calendar	Director of Medical and Health Services.	July 1	.. Fifteen pages narrative, 366 pages statistical.
Industries	Departmental Administration Report.	Financial	Director of Cottage Industries	June 30	..
	Statement of embezzlements and defalcations.	Do.	Ditto	May 15	..
	Annual Report on the working of the Department of Printing and Stationery.	Do.	Superintendent, Printing and Stationery.	December 15	..
Labour	List of Manuals in stock at the Government Book Depot.	Calendar	Ditto	After December 31	..
	Report and Returns on the working of the Factories Act, 1948, including Maternity Benefit Act and Employment of Children Act.	Do.	Chief Inspector of Factories through Labour Commissioner.	August 25	..
	Report and Returns on the Payment of Wages Act, 1936.	Do.	Ditto	July 31	..
	Reports and Returns on the working of the Indian Trade Unions Act, 1926.	Financial	Registrar, Trade Unions	December 31	..
	Reports and Returns on the working of the Workmen's Compensation Act, 1923.	Calendar	Labour Commissioner	June 30	..
	Report on the working of the Indian Boilers Act, 1923.	Do.	Chief Inspector of Boilers through the Labour Commissioner.	April 15	..

Department	Title of report or return	Year of report	By whom submitted	Date for submission to Government	Number of prescribed pages
	Report on the working of the U. P. Shops and Commercial Establishments Act, 1947.	Calendar	Chief Inspector of Shops and Commercial Establishments through the Labour Commissioner.	March 15	..
	Report on the working of the Industrial Employment (Standing Orders) Act, 1946.	Do.	Labour Commissioner	February 15	..
	Review of the activities of Labour Department for the amelioration of labour.	Do.	Ditto.	February 28	..
Information	Report on the General Administration of Uttar Pradesh.	Do.	Director of Information	June 30	..
Home (Jails)	Prison Administration Report ..	Do.	Inspector General of Prisons	March 1	..
	Note on health conditions in jails	Do.	Ditto	After close of year	..
	Note on the standard minimum rules and reforms effected.	Do.	Ditto	Ditto	..
P. W. D. (B.&R.)	Annual Administration Report of the P. W. D., B & R. Branch.	Financial	Chief Engineer, B. & R. Branch.	October 31	..
	Road expenditure statistics	Do.	Ditto	September 15	..
	Return of road mileage and expenditure.	Do.	Ditto	Ditto	..
	Statement showing works of public utility constructed by private individuals exceeding Rs.1,000 each	Do.	Commissioners of Divisions	June 1	..

Irrigation	.. Irrigation Administration Report	Do.	.. Chief Engineer, Irrigation Department.	As soon as possible after close of year.	..
	Statement showing financial results of Irrigation works.	Do.	.. Accountant General, U.P.	September 15	..
	Confidential Reports on the work and conduct of the Irrigation Engineers.	Do.	.. Chief Engineer, Irrigation Department.	February 15 (for Superintending and Engineers and P.As.) May 15 (for Assistant and Executive Engineers).	..
	Integrity Reports ..	Do.	.. Ditto	Ditto	..
	Statement of employment as on May 31.	Yearly	.. Director of Economic Intelligence and Statistics.	June 30	..
Transport	List of embezzlements and defalcations.	Financial	.. Chief Engineer, Irrigation Department.	April 15	..
	General Administration Report on the working of the Transport Department.	Do.	.. Transport Commissioner	Ditto	..
	Annual Taxation Return	Do.	.. Ditto	After close of year	..
	Return of fees realized under the Motor Vehicles Act and Rules.	Do.	.. Ditto	Ditto	..
	Statement of driving licences ..	Do.	.. Ditto	Ditto	..
	Statistics of motor vehicles on road on March 31.	Calendar	.. Ditto	Ditto	..
	Administration Report of the Transport Department as required by the Government of India.	Do.	.. Ditto	Ditto	..
Food Production	Report on the administration of the Agricultural Engineering Department.	Agricultural	.. Chief Agricultural Engineer	August 15	..

APPENDIX 10

(Referred to in paragraph 267)

SANCTIONED SCALE OF TENTS

The scale of tents sanctioned by Government is laid down in the following table :

(a) Officers, except District Police Officers

Officers	Scale	Remarks
Members of the Board of Revenue.	Two Swiss Cottage tents or Hudson raotis 14' x 14', and two Swiss Cottage tents or Hudson raotis 12' x 12' with six shouldaris.	One set only for members. Cf. G. O. no. 1347/XVIII—479, dated July 21, 1923.
Commissioners, Settlement Officers and Collectors (except Kumaun).	Two Swiss Cottage tents or Hudson raotis 14' x 14' and one Swiss Cottage tent or Hudson raoti 12' x 12' or 10' x 10' with six shouldaris.	
Deputy Commissioner-in-charge, Kumaun Division.	One double-fly Hudson raoti 12' x 12', one sleeping pal and three double-fly tents (maximum size 10' x 10'), with eight shouldaris.	
Settlement Commissioner.	Two Swiss Cottage tents or Hudson raotis 14' x 14' and one Swiss Cottage tent or Hudson raoti 12' x 12' or 10' x 10', with six shouldaris.	
Joint or Assistant Magistrates and Assistant Settlement Officers other than those in the Kumaun Division.	One Swiss Cottage tent 14' x 14' or Hudson raoti 12' x 12' and one Swiss Cottage tent 10' x 10' with four shouldaris.	
Dy. Collr./Joint Magistrate, who is also S. D. O., Chakrata, Dehra Dun District.	One miniature Swiss Cottage tent 10' x 10', one 80 lb. light field service tent 10' x 8', with bathroom and dari and three shouldaris—one 12' x 12' and two 10' x 10'.	Cf. G. O. no. 146/XVIII—443, dated January 15, 1916.
Deputy Collectors (and Assistant Record Officers in plain districts)	One office tent 12' x 12' with detachable bathroom and one Hudson raoti or Swiss Cottage tent 12' x 12', with three shouldaris.	
District staff of Naini Tal.	Four Swiss Cottage tents 10' x 10', three Kabul tents, one double-poled raoti with 18 shouldaris.	

Officers	Scale	Remarks
Deputy Commissioner of Almora or Garhwal and Settlement Officers in the Kumaun Division.	Two miniature Swiss Cottage tents with extra kanat for verandah, one Kabul tent 9' x 8' with bathroom and dari and six shouldaris—one 10' x 10', one 8' x 8', three 7' x 7' and one 6' x 6'.	Cf. G. O. no. 1846/XVIII—346, dated July 12, 1917.
Assistant Commissioner or Deputy Collector of Almora or Garhwal each and Assistant Settlement Officers in the Kumaun Division.	One miniature Swiss Cottage tent 10' x 10', one 80 lb. light field service tent 10' x 8' with bathroom and dari, and six shouldaris—one 10' x 10', one 8' x 8', three 7' x 7' and one 6' x 6'.	
Tahsildars (including those serving in the Kumaun Division).	One tahsildar's tent or officer's 80 lb. light field service tent, with two shouldaris and one necessary tent.	
Touring peshkars, serving in the Kumaun Division.	One Officer's 80 lb. light field service tent 8' x 10' with bathroom attachment and dari.	Total cost Rs.115. Cf. G. O. no. 2386/XVIII—505, dated November 10, 1915.
Naib-Tahsildars employed as Survey Experts during Settlement and Record Operations.	One tahsildar's tent	Cf. G. O. no. 4591/I-A—460-1926, dated November 16, 1936.
Sarishtadars of Commissioners of Divisions and of the Settlement Commissioner.	One tahsildar's tent.	
Sarishtadars (or equivalent officers) accompanying the camp of each Magistrate, Settlement Officer, Assistant Settlement Officer, Assistant Record Officer or Deputy Collector.	One shouldari.	
Sarishtadars (or equivalent officers) accompanying the camp of each Magistrate, Settlement Officer, Assistant Settlement Officer or Deputy Collector of the Kumaun Division.	One Officer's 80 lb. light field service tent 8' x 10' with bathroom attachment and dari.	Total cost Rs.115.
Inspector General of Police	Two Swiss Cottage tents, Special Police Pattern tents 14' x 14' and one Swiss Cottage tent 12' x 12' with six shouldaris with opening at both ends.	Cf. G. O. no. 1347/XVIII—479, dated July 21, 1923.

Officers	Scale	Remark
Commissioner of Excise and Director of Agriculture (each).	Two Swiss Cottage tents or Hudson raoti 14' x 14', and one Swiss Cottage tent or Hudson raoti 12' x 12' or 10' x 10' with shouldaris.	
Inspector General of Registration and Chief Inspector of Offices and Stamps.	One Hudson raoti with two shouldaris.	<i>Cf. memo. no. B-1608/X-87-A, dated September 7, 1939.</i>
Camp clerk of Inspector General of Registration and Chief Inspector of Offices and Stamps.	One shouldari	Ditto.
Executive officials of the Departments of Agriculture and Land Records (each).	Two sleeping pals.	
Deputy Director of Agriculture.	One Swiss Cottage tent 14' x 14' or Hudson raoti 12' x 12', and one Swiss Cottage tent 10' x 10' with four shouldaris.	
Agricultural Engineer to Government.	Two Swiss Cottage tents 14' x 14' with two common pals.	<i>Cf. G. O. no. B-2436/X-87-A-37, dated December 27, 1939.</i>
Assistant Agricultural Engineer to Government.	Two Tahsildar's tents with two common pals.	Ditto.
Assistant Directors of Land Records.	Two Office tents 10' x 10' double-fly with bathroom, and three shouldaris.	<i>Cf. G. O. no. 1469/XVIII-741, dated November 9, 1921.</i>
Officers of the Agriculture Department in charge of demonstrations and propaganda work.	One Tahsildar's tent 12' x 12' and one shouldari.	
Divisional Superintendents of Agriculture.	Two Office tents, both with bathrooms and three shouldaris.	<i>Cf. G. O. no. 260/XVIII-681, dated February 8, 1922.</i>
Divisional Superintendent of Agriculture, Bhowali.	One Tahsildar's tent 10' x 10' or Officer's 80 lb. light field service tent, with two shouldaris. (10' x 10') and one necessary tent.	<i>Cf. G. O. no. 352/XVII-72, dated February 26, 1929.</i>
Director of Medical and Health Services.	One Swiss Cottage tent 14' x 14' (square ended) and one Hudson raoti 10' x 10' with two common pals.	<i>Cf. memo. no. B-1608/B-X-87-A, dated September 7, 1939 and no. 1722 (2) /XVI-71, dated October 25, 1939.</i>
Assistant Director of Medical and Health Services of Ranges.	One Swiss Cottage tent 14' x 14' (square ended) or Hudson raoti 12' x 12' and one Swiss Cottage tent 10' x 10' with four common pals.	Ditto.
Assistant Director of Public Health (Malariology).	One Swiss Cottage tent 14' x 14' (square ended) and three common pals.	Ditto. The pals are also to cover the requirements of clerks and mosquito catchers.

Officers	Scale	Remarks
Assistant Director of Public Health (Hygiene Publicity Bureau).	One Swiss Cottage tent 14' x 14' (square ended) and two common pals.	Memo. no. B-1668/X-87—A, dated September 7, 1939 and no. 1722 (2) XVI—71, dated October 25, 1939.
Kala Azar Medical Officer.	One Swiss Cottage tent 10' x 10', one Tahsildar's tent 10' x 10' and one servant pal 10' x 10'.	G. O. no. 1279/XVI, dated September 23, 1946.
Registrar and Deputy Registrar, Co-operative Societies.	Two Swiss Cottage tents or Hudson raoti 14' x 14' and one Swiss Cottage tent or Hudson raoti 12' x 12' or 10' x 10' with six shouldaris each.	
Assistant Registrars, Co-operative Societies.	One Office tent with bathroom and one Hudson raoti or Swiss Cottage tent 12' x 12' with three shouldaris, each.	
Inspector, Co-operative Societies.	One light field service tent 10' x 8'.	
Deputy Inspector General of Police.	Two Swiss Cottage tents (Special Police Pattern) 14' x 14' and one Swiss Cottage tent 12' x 12' with six shouldaris, with openings at both ends.	Cf. G. O. no. 1347/XVIII—479, dated July 21, 1923.
Director and Deputy Directors of Animal Husbandry (each).	Two Swiss Cottage tents— one 14' x 14' and one 12' x 12', one Kabul tent 9' x 8' with bathroom, and two shouldaris.	
Veterinary Inspectors ..	One Tahsildar's tent ..	Cf. G. O. no. 1511/XVIII—321, dated October 3, 1912.
Headquarters' staff of the Civil Veterinary Department.	Ditto ..	Cf. G. O. no. 2522/XVIII—569, dated November 26, 1915.
Inspectors of Schools ..	Two Swiss Cottage tents— one 14' x 14' and the other 10' x 10', with two shouldaris.	
Assistant Inspectors of Schools.	One Swiss Cottage tent 10' x 10' and one Office tent with bathroom with two shouldaris.	
Deputy Inspectors and Sub-Deputy Inspectors of Schools.	One shooting pal 8' x 8' or one sleeping pal 12' x 12' or one field service tent 12' x 12'.	No tent is to weigh more than two maunds or exceed Rs. 115 in price.
Assistant Commissioners of Excise.	One Office tent 12' x 12' with detachable bathroom, and one Hudson raoti or Swiss Cottage tent 12' x 12' with three shouldaris.	Assistant Commissioners, who desire it, may also be supplied with a necessary tent.

Officers	Scale	Remarks
Excise Inspectors	One Tahsildar's tent.	
Camp clerks of the Excise Department.	One shouldari.	
Officer holding the combined posts of Superintendent and Executive Engineer, Tarai and Bhabar Government Estates.	Three Swiss Cottage tents with six shouldaris and two other tents.	<i>Cf.</i> G. O. no. 66.B/I—1939, dated July 2, 1941.
Camp clerk of the Officer holding the combined posts of Superintendent and Executive Engineer, Tarai and Bhabar Government Estates.	One 80 lb. tent	.. Ditto.
Sub-Divisional Officers of Haldwani and Ramnagar (each).	One Tahsildar's tent and four shouldaris.	<i>Cf.</i> G. O. no. 195/I—375, dated February 5, 1935 and G. O. no. 242/I—186, dated March 12, 1936.
Well Sinker, Tarai and Bhabar Government Estates.	One shooting pal 10' x 10'.	
Reader of the Officer holding the combined posts of Superintendent and Executive Engineer, Tarai and Bhabar Government Estates.	One 80 lb. tent	.. <i>Cf.</i> G. O. no. 66.B/I—1939, dated July 2, 1941.
Naib-Tahsildars serving in the Tarai and Bhabar Government Estates.	One 80 lb. light field service tent and one shouldari.	
Assistant Malaria Officers and Assistant Hygiene Publicity Officer (Senior).	One Swiss Cottage tent 12 x 12' (square ended) and one common pal (for each officer).	Memo. no. B.1668/X—87-A, dated September 9, 1939 and no. 1722(2)/XVI—71, dated October 25, 1939.
District Medical Officers of Health.	One Swiss Cottage tent 14' x 14' (square ended) with two common pals also, one miniature Swiss Cottage tent 10' x 10' (not to be supplied until specially sanctioned by Government).	Ditto.
Assistant Medical Officers of Health and Assistant Hygiene Publicity Officer (Junior).	One miniature Swiss Cottage tent 10' x 10' and one common pal (for each Officer.)	Ditto.
Special Forest Officer, Tarai and Bhabar Government Estates.	One Office tent, two Swiss Cottage tents and four shouldaris.	Of the nature of a double-fly sleeping pal. <i>Cf.</i> G. O. no. 184/I—20, dated February 23, 1935.

Officers	Scale	Remarks
Camp Office establishment of the Special Forest Officer, Tarai and Bhabar Government Estates.	Two shouldaris.	
Seven Range Officers, Tarai and Bhabar Government Estates (each).	One 80 lb. tent.	
Assistant Record Officers in Kumaun Division (each).	One Kabul pal 9' x 8', one light field service 80 lb. tent 10' x 8', four common pals.	
Readers to the Assistant Record Officers in Kumaun Division.	One light field service 80 lb. tent 10' x 8'.	
Range Assistants in the Tarai and Bhabar Government Estates (each).	One 80 lb. tent and one shouldari.	Cf. G. O. no. 2179/I—406, dated October 26, 1936.
<i>For Irrigation Branch Touring Officers</i>		
I(a) --For personal use of Chief Engineers.	Two Swiss Cottage tents 14' x 14'. One Swiss Cottage tent 12' x 12'. Four shouldaris, 14' square. (N.B.—In addition to above, a reserve of four Swiss Cottage tents 12' x 12' for allocation to Superintending Engineers who tour with their families.)	
(b) For Camp Office establishment.	One double-fly tent 12' x 12' costing not more than Rs. 212. Two shouldaris 12' square.	
II(a) For personal use of Superintending Engineers.	Two Swiss Cottage tents 14' x 14'. One Swiss Cottage tent 12' x 12'. One light shikar tent 12' x 12'. Four shouldaris 14' square.	
(b) For Camp Office establishment.	One double-fly tent 12' x 12' costing not more than Rs. 212. No double-fly tent will be purchased unless and until the existing shouldaris 16' x 16' go out of use. Two shouldaris 12' square.	

Officers	Scale	Remarks
III.—For personal use of Divisional Officers on survey or construction where tents are necessary.	One Swiss Cottage tent 14' x 14' with square ends and double-fly to both verandah and bathroom. One Swiss Cottage tent 12' x 12' as above. One Swiss Cottage or "shikar" pattern double-fly sleeping tent, about 10' square. Two necessary tents 4' square. Two shouldaris 12' square.	
IV.—For personal use of Divisional Officers in Revenue Divisions when specially sanctioned by the Chief Engineer.	One Swiss Cottage tent 12' x 12' as for III above. One Swiss Cottage or "shikar" pattern double-fly sleeping tent, about 10' square. One necessary tent, 4' square. Two shouldaris 12' square.	
V.—For Sub-Divisional Officers in construction divisions if required to tour in tents.	Same as in IV above.	
VI.—For Camp Office establishment for III, IV and V.	One shouldari 16' x 15'. One shouldari 12' square.	
VII.—For Deputy Revenue Officer's camp Office establishment.	One shouldari 16' x 15'.	
VIII.—For Camp Office establishment of the Sub-Divisional Officers in Revenue Sub-Divisions.	One shouldari 16' x 15'. One shouldari 12' square.	
<i>For Buildings and Roads Branch Touring Officers</i>		
(a) For a Divisional Officer	One single-pole Swiss Cottage tent 14' x 14' or Hill or Kashmir tent. Two pals. One necessary tent.	

Officers	Scale	Remarks
(b) For a Sub-Divisional Officer or Assistant Engineer.	One Swiss Cottage tent 12' x 12' or Hill tent.	
	Two pals.	
	One necessary tent.	

NOTES—(1) Unless otherwise prescribed in the foregoing list, the maximum size of tents shall be (1) raoti 16' x 14', (2) office tent or sleeping pal 12' x 12' and (3) shouldaris 12' x 12'.

Cf. G. O. 1750 /XVIII—479, dated November 13, 1922.

(2) Three extra sets of tents are allowed to each Commissioner for the use of unpassed assistants subordinate to him; these will be kept at the headquarters of the divisions and will be available for use in any district in which the staff or the amount of touring done exceeds the sanctioned scale, or when a married Joint Magistrate requires an extra tent.

Cf. G. O. no. 1584/XVIII—213, dated September 4, 1911.

(3) Superintendent of Dohra Dun is also allowed a reserve of tents consisting of two Kashmiri tents and two small pals for touring in the hills.

Cf. G. O. no. 1347/XVIII—479, dated July 21, 1923.

(4) One shamiana 18' x 18' will be kept at the headquarters of each division for ceremonial purposes.

Cf. G. O. no. 1325/XVIII—479, dated July 19, 1923.

(5) No scale of tents has been prescribed for Civil Surgeons in their capacity as District Superintendents of Vaccination, but in exceptional circumstances District Officers will lend tents to these officers.

(b) *District Police Officers*

Officers	Scale	Remarks
Superintendents of Police	One Swiss Cottage tent 14' x 14' special pattern police tent and one Swiss Cottage tent 12' x 12' with four shouldaris, with openings at both ends.	<i>Cf.</i> G. O. no. 1347/XVIII—479, dated July 21, 1923.
Deputy Superintendents and Assistant Superintendents of Police.	One Swiss Cottage tent 14' x 14' special pattern police tent and one Swiss Cottage tent 12' x 12' with two shouldaris, with openings at both ends.	Ditto.
Inspectors of Police ..	One double-fly sleeping pal and one shouldari with openings at both ends.	Ditto.
Inspector General's reserve in Headquarters.	Six Swiss Cottage tents 14' x 14', special pattern police tents with twenty-four shouldaris with openings at both ends and six double-fly sleeping pals.	

Officers	Scale	Remarks
Range Reserve ..	One hundred shouldaris with openings at both ends and seventy-five Sowar pals.	<i>Cf.</i> G. O. no. 1445/VIII—177, dated August 31, 1934.
U. P. Military Police ..	One hundred and twenty-four shouldaris with openings at both ends and ten double-fly sleeping pals.	<i>Cf.</i> G. O. no. 1580/VIII—594-1939, dated May 29/30, 1940 (30 shouldaris). <i>Cf.</i> G. O. no. 553-P/VIII—297-1941, dated August 26, 1941. <i>Cf.</i> G. O. no. 738/VIII—297-1941, dated March 23, 1943.
Director of Cottage Industries.	Two Swiss Cottage tents 14' × 14'. Six shouldaris.	<i>Cf.</i> G. O. no. U-1214(L) (2)/XVIII—269(L)—1944, dated April 7, 1945.
Divisional Superintendent of Industries, Almora.	One miniature Swiss Cottage tent 10' × 10'. Two shouldaris.	Ditto.
For exhibitions and publicity (Headquarters, Kanpur).	One shamiana 40' × 40'. Two Swiss Cottage tents 14' × 14'. Six shouldaris.	Ditto.

APPENDIX 11

(Referred to in paragraphs 268, 269 and 270)

PRESCRIBED SCALE FOR CARRIAGE OF TENTS AND RECORDS

The following is the prescribed scale for carriage of tents and records and these allowances should, in each instance, be regarded as the maximum ordinarily permissible :

Officers	Carts	Bullocks	Porters, labourers, etc.	Remarks
Head of department when not otherwise mentioned).	..	12	..	
Revenue, Settlement and Land Records Departments				
Members of the Board of Revenue		18		
Commissioner of Division,				
Collectors, except				
Collector, Gorakhpur, Deputy				
Commissioner or Settlement				
Commissioner—				
(i) if touring alone	6	..	8*	
(ii) with wife	7	..	8*	
(iii) with family	8	..	8*	
(iv) when on tour in the hills	..	..	15 per march	
Collector, Gorakhpur—				
(i) if touring alone	8	..	8	G. O. no. 7999/LB-58B/1949, dated November 23, 1949.
(ii) with wife	9	..	8	G. O. no. 344R/III, dated 19th January 1940, as amended by G. O. no. 1630/I—505B-1941, dated 6th June, 1942.
(iii) with family	10	..	8	G. O. nos. 2053/I-317B, dated 19th November, 1936 and 19th March 1937, respectively.
(iv) when on tour in the hills	..	..	15	G. O. no. 2803/I-104-B-1942, dated 16th September, 1942.

* For pitching and striking tents.

Officers	Carts	Bullocks	Porters, labourers, etc.	Remarks
Additional District Magistrate, Naini Tal.	..	..	10 per march	G. O. no. 7999/LB-58B-1949, dated November 23, 1949.
Sub-Divisional Officer, Naini Tal	..	..	Do.	..
Joint or Assistant Magistrate, or Assistant Settlement Officer.	3 to 4	..	6*	..
Deputy Collector	3	..	6*	..
Joint or Assistant Magistrate, Assistant Settlement Officer or Deputy Collector—				
(a) when on tour in the hill patts of the Kumaun Division.	..	..	10 per march	..
(b) when on tour in pargana Jaunsar-Bawar of the Dehra Dun District.	..	..	10 per march.	..
Tahsildar	1	..	3*	One extra cart is permissible to tahsildars in Jhansi division during their winter tour.

The tahsildar of tahsil Dudhi in the Mirzapur District shall not be entitled to the hire of a cart when the cart and the bullocks maintained for the Dudhi estate gardens are available and utilized by him for the transport of tents and records.

Tahsildar when on tour in the hill pattis of the Kumaun Division including the Jinswar Assistant Record Officer, Garhwal.	..	..	6 per march	..	G. O. no. 7999/IB-58B/1949, dated November 23, 1949.
Naib-Tahsildar	1	..	2*	..	Ditto.
Naib-Tahsildar when on tour in the hill pattis of the Kumaun Division.	1	..	4 per march	..	Cf. G. O. no. 877/III-227-21, dated 21st July, 1925.
Land Records Officer (Deputy Collectors)	3	..	3 (including one Khalasi).	..	An extra supply cart may be used when actually required.
Land Records Officer (Tahsildars)	2	..	Ditto.	..	When travelling with family or when engaged on attestation work, one extra cart will be allowed. Assistant Record Officers in the Azamgarh District will be allowed one more extra cart when engaged on attestation work.
Assistant Record Officer	3	..	..	..	G. O. no. 2764/I-524-38, dated 24th April, 1939.
Assistant Record Officers in the Kumaun Division (each).	..	..	6 permanent mazdoors with mazdoors up to a maximum of ten to be engaged occasionally provided the Settlement Officer certifies that the number engaged is necessary.	..	On occasion when an Assistant Record Officer moves from his headquarters to the area under record operations and vice versa or from one patti to another when the two pattis do not adjoin, he may be allowed to engage temporary mazdoors up to a maximum of fifteen in number.

*For pitching and striking tents.

Officers	Carts	Bullocks	Porters, labourers, etc.	Remarks
Forest Department				
Chief Conservator of Forests and Conservator of Forests.	..	..	15 mazdoors per march.	.. G. O. no. 2638/XIV—81 (1) /1950, dated April 4, 1950.
Deputy Conservator of Forests	..	..	10 Ditto.	..
Assistant Conservator of Forests	..	..	6 Ditto.	..
Tehri Circle				
Conservator of Forests	..	..	15 mazdoors or 6 mules.	..
Divisional Forest Officers and Working Plan Officer.	..	..	10 mazdoors or 4 mules.	..
Attached Officers	..	..	6 mazdoors or 2 mules.	.. U. O. no. 103/XIV—39-(a)/49, dated April 11, 1951.
Rangers or officers-in-charge of a range or a Ranger or Deputy Ranger on special duty.	..	..	2 mazdoors or 1 mule	..
Deputy Rangers, Foresters working as Range Assistants, Surveyors and Cultural Jemadars on permanent establishment and forest guards on special duty.	..	..	1 mazdoor where necessary.	..

				Police Department	
Inspector General of Police	8	..	8*		
Deputy Inspector General of Police—					
(i) if touring alone	6	..	8*		
(ii) with wife ..	7	..	8*		
(iii) with family ..	8	..	8*		
Superintendent of Police—					
(i) if touring alone	5	..	8*		
(ii) if touring with wife	6	..	8*		
Assistant Superintendent or Deputy Superintendent of Police.	3	..	6*		
Superintendent or Assistant Superintendent or Deputy Superintendent of Police—					
(a) when on tour in the hill patties of the Kumaun Division.	..	..	15 per march.		G. O. no. 2997-A/VIII— —415-48, dated September 26, 1950.
(b) when on tour in the hill portions of the Dehra Dun District.	..	..	12 per march.		
Inspector General of Police and Deputy Inspector General of Police while touring in the hill patties of Kumaun Division including Garhwal and Dehra Dun.	..	..	15 per march	..	G. O. no. 3363/VIII— 416/1948, dated March 7, 1953.
Sessions Judge of Kumaun when on tour in the hills.	..	..	20 per march	..	G. O. no. 1749/VII— 141—1949, dated July 25, 1931.
				Judicial Department	

* For pitching and striking tents.

APPENDIX 11

Officers	Carts	Bullocks	Porters, labourers, etc.	Remarks
Medical and Public Health Departments				
Director of Medical and Health Services, U. P. (when on tour in hills).	..	..	8 per march	G. O. no. 4062/XVI—20-1949, dated August 18, 1952.
Deputy Director of Medical and Health Services, U. P. (Health) (when on tour in hills).	..	..	Ditto.	G. O. no. 7753/XVI—20-1949, dated July 3, 1953.
Deputy Director (Ayurveda) (when on tour in hills).	..	..	Ditto.	G. O. no. 2283-BI/V—1000-1949, dated May 13, 1953.
Assistant Directors of Medical and Health Services (when on tour in plains).	3 carts if inspection bungalows are not available otherwise 2.	..	4 per march	G. O. no. 4062/XVI—20-1949, dated August 18, 1951.
Assistant Director of Medical and Health Services (when on tour in hills).	..	..	8 per march	Ditto.
District Medical Officer of Health (when on tour in plains).	One (2† in special circumstances with the approval of Director of Medical and Health Services, Uttar Pradesh).	..	1 per march	Ditto.

District Medical Officer of Health (when on tour in hills).	..	6 per march	Ditto.	
Assistant Medical Officer of Health (when on tour in plains).	..	1 per march	Ditto.	
Medical Officers for Anti-epidemic Operations, and Assistant Medical Officers of Health (when on tour in hills).	..	4 per march	Ditto.	
Sanitary Inspectors employed on pilgrim route in— (i) Tehri-Garhwal District ..	..	2 per march		G. O. no. 3325/XVI—950-1952, dated October 10, 1952.
(ii) Almora District } * (iii) Garhwal District }	..	2 per march		*Vide note no. 2 at the end of the correction slip to para. 16 of U. P. Public Health Manual as approved in G. O. no. 4062/XVI—20-1949, dated August 18, 1952.
Epidemic Assistants (when on tour in hills.)	..	2 per march		G. O. no. 835/XVI—10-49, dated May 28, 1952.
Divisional Ayurvedic and Unani Officers (when on tour in hills).	..	2 per march		G. O. no. 2283-BI/V—1000-1949, dated May 13, 1953.
Civil Surgeons (when on tour in plains).	..	4 per march if tents are carried, otherwise none.		

NOTE.—The Sanitary Inspectors are expected to carry disinfectants and magic lanterns and personal effects up to a maximum of 14 maunds with the two mazdoors allowed to them.

†This sanction should be given in consultation with District Magistrates on the condition that the cost is met from normal allotment.

Officers	Carts	Bullocks	Porters, labourers, etc.	Remarks
Municipal Department				
Superintending Engineer, Local Self-Government Engineering Department.	..	..	45 per march	These scales of transport are meant for the officers named herein when they are touring in the hills.
Waterworks and Mechanical Engineer, Local Self-Government Engineering Department.	..	..	30 per march	
Executive Engineer	..	..	30 per march	
Assistant Engineers	..	..	25 per march	

Education Department

Inspector of Schools, Kumaun	..	40 per march (a) ..	(a) Ponies may be employed, if necessary, instead of mazdoors for journeys in the hills and carts or camels for journeys in the Tarai or Bhabar within budget provision.	G. O. no. 308-EN/XV-680, dated July 20, 1922.
Assistant Inspector of Schools, Kumaun.	..	30 per march (a).		
Inspector of Schools (except Kumaun)	..	8 (b) 1 tindal and 5 khalasis.	(b) Carts may be used instead of bullocks, one cart being taken as the equivalent of two bullocks.	G. O. no. A.353/XV-804-39, dated January 29, 1940.
Assistant Inspectors of Schools (except Kumaun.)	..	4 (b) 1 tindal and 4 khalasis.		
<i>Note</i>—The charges in connection with camp guards, straw, straw mats, etc. sanctioned in G. O. no. 308-EN./XV-680, dated July 20, 1922, may also be incurred.				
Deputy Inspector of Schools, Kumaun Division and hilly portion of Dehra Dun District.	..	4 (c)	(c) One mazdoor by the month when on tour, the remainder at daily rates. In the Tarai and Bhabar carts or pack ponies may be engaged at a maximum cost of Rs. 60 per mensem.	G. O. no. 371/XV-236-1921, dated September 26, 1923, read with paragraphs 2 and 3 of G. O. no. B-901/XV-566-43, dated March 28, 1943.
Sub-Deputy Inspector of Schools, Kumaun Division and hilly portion of Dehra Dun District.	..	3 (c)		

Officers	Carts	Bullocks	Porters, labourers, etc.	Remarks
Deputy Inspector of Schools in the plains.	1	..	..	Paragraph 1 of G. O. no. B-901/XV-506-43, dated March 28, 1945.
Sub-Deputy Inspector of Schools in the plains.	1	..	..	
Assistant Inspectress of Girls' Schools, Kumaun Division.	..	..	4	
Deputy Director of Agriculture	..	6	Agriculture Department	
Financial Deputy Directors and Deputy Directors of Agriculture, Headquarters (when on tour in the hills.)	..	..	8 per march	G. O. no. A-4596/XII-A-33-49, dated October 7, 1950.
Agricultural Engineer	..	6	..	Ditto.
Agricultural Engineer (when on tour in the hills.)	..	..	6 per march	Ditto.
District Agricultural Officer (gazetted)	..	4	..	Ditto.
District Agricultural Officer (gazetted) (when on tour in the hills.)	..	..	4 per march	Ditto.
Assistant Agricultural Engineer (when on tour in the hills.)	..	..	4 per march	Ditto.
Officials of the Agriculture Department at each Agricultural Station.	..	2	..	
District Agricultural Officers (non-gazetted) (when on tour in the hills.)	..	..	2 per march	Ditto.
Senior Mechanical Inspector (when on tour in the hills.)	..	..	2 per march	Ditto.

Irrigation Department			
Chief Engineer or Superintending Engineer	—	—	..
	15		G. O. no. 434 (A)-IEM/XXIII—IE-363-IE-53, dated March 5, 1954.
Executive Engineer	—	12	..
Assistant Engineer	—	8	..
<i>N. B.</i>—When two Irrigation Department officers are travelling together on bridle roads in the hills in the interior and have to stay in one-roomed inspection houses, eight additional mazdoors shall be allowed to them. When three officers will travel together, which would be on rare occasions, two officers shall be allowed eight additional mazdoors separately and the third will combine with any of the two officers.			
Industries Department			
Director of Industries	..	15 per march	..
	..		G. O. no. 463 (5)/XVIII, dated December 26, 1950, as amended by G. O. no. 3305 (S)/XVIII-20 (S)-49, dated January 8, 1953. Ditto.
Deputy Director of Industries, Financial Controller and Assistant Directors of Industries.	..	10 per march	..
Other Gazetted Officers	..	6 per march	..
Non-gazetted touring staff—			Ditto.
(i) Superintendent, Jaunsar-Bawar Wool Scheme.			
(ii) Assistant Superintendent, Hill Wool Schemes.			
(iii) Designer, Almora.			
(iv) Inspector of Accounts.			

Officers	Carts	Bullocks	Porters, labourers, etc.	Remarks
Co-operative Department				
Registrar, Co-operative Societies.	..	12	9*	
Registrar, Co-operative Societies, when on tour in the hills.	..	..	15 per march	
Additional Registrar, Co-operative Societies when on tour in the hills.	..	..	15 per march	G. O. no. 620-R/XII-C-5, 49, dated October 3, 1950.
Deputy Registrar, Co-operative Societies.	..	12	8*	
Deputy Registrar, Co-operative Societies and class I officers of the department when on tour in the hills.	..	..	10 per march	
Senior Assistant Registrar, Co-operative Societies.	..	6	6*	
Inspector, Co-operative Societies	..	1 Camel	..	} To carry office record Ditto. . Ditto. Ditto.
Inspector, Co-operative Societies, when on tour in the hills.	..	..	4 per march	
Other gazetted officers of the department when on tour in the hills.	..	..	6 per march	
Auditors, Co-operative Societies when on tour in the hills.	..	..	4 per march	

Excise Department					
Excise Commissioner—	(i) if touring alone	6	..	8*	G. O. no. 5079-E/XII—45-49, dated February 14, 1951.
	(ii) if touring with wife	7	..	8*	
	(iii) if touring with family	8	..	8*	
	(iv) when on tour in the hills	..	..	15 per march	
Assistant Excise Commissioner		..	8	One tindal and six khalasis.	
Assistant Excise Commissioners when on tour in the hills.		..	..	10 per march	
Excise Inspectors of Almora, Garhwal and Tehri-Garhwal.		..	..	2	.. Subject to the condition that the mazdoors should not be engaged for such days when journeys are performed by lorries.
Animal Husbandry Department					
Animal Husbandry Commissioner		..	..	15	G. O. no. 7460/XIIE-267-1952, dated May 11, 1954.
Director of Animal Husbandry		3	..	6*	
Director of Animal Husbandry when on tour in the hills.		..	..	15 per march	G. O. no. 2896/XII-D-320/49, dated November 18, 1950.
Deputy Directors of Animal Husbandry		2	..	4*	

*For pitching and striking tents.

Officers	Carts	Bullocks	Porters, labourers, etc.	Remarks
Veterinary Inspectors or District Livestock Officer (non-gazetted) serving in the hilly tracts.	..	..	4 per day	.. Admissible only for the number of days the officer actually tours in the hills. Cf. G. O. nos. 3515/XVIII-534, dated January 7, 1936, and 1025/III-234-42, dated April 10, 1943, U. O. no. 386/III-44, dated July 27, 1944.
Deputy Directors, Animal Husbandry, when on tour in the hills.	..	..	10 per march	.. G. O. no. 2896/XII-D-320-49, dated November 18, 1950. Ditto.
Class II Officers when on tour in the hills.	..	..	6 per march	.. Ditto.
Deputy Director of Fisheries when on tour in the hills.	..	..	8 per march	.. Ditto.
Assistant Fisheries Development Officers and other Class II Officers under Fisheries Department when on tour in the hills.	..	..	6 per march	.. Ditto.
Veterinary Assistant Surgeons serving in the hills.	..	..	2 per march	..
Fisheries Inspectors and wardens.	..	..	2 per march	.. Ditto.
Economies and Statistics Department				
Director of Economic Intelligence and Statistics.	..	..	10 per march	..
Statistician	..	..	8 per march	.. When on tour in hills. O.M. no. 769/XXVIII-G-20-49, dated July 14, 1953.

	..	..	8 per march	When on tour in hills.	O. M. no. 760/XN.VIII—G-30-1949, dated July 14, 1953.
Additional Statistician	..	..	8 per march		
Assistant Statistician	..	..	6 per march		
Industrial Statistics Officer	..	..	6 per march		
Assistant Directors of Economic Intelligence.	..	..	6 per march		
Senior Economic Intelligence Inspector	..	..	3 per march		
Economic Intelligence Inspector	..	..	3 per march		
Miscellaneous Departments					
Superintendent, Tarai and Bhabar Government Estates.	..	8	..		
Superintendent, Tarai and Bhabar Government Estates when on tour in the hills.	..	..	38 per march		
Executive Engineer, Tarai and Bhabar Government Estates.	..	8	..		
Executive Engineer, Tarai and Bhabar Government Estates when on tour in the hills.	..	..	10 per march		
Sub-Divisional Officer, Tarai and Bhabar Government Estates when on tour in the hills.	..	..	5 per march		
Chief Inspector of Offices and Stamps when on tour in the hills.	..	..	7 per march	..	G. O. no. S-5930/X-306-44, dated September 3, 1950.
Inspectors of Stamps and Registration when on tour in the hills.	..	..	4 per march		
Inspectors of Offices when on tour in the hills.	..	..	4 per march		
Government Treasurers serving in the Kumaun Division. when on tour in the hills.	..	..	5 per march	..	Cf. G. O. no. C-3063/X-524, dated December 30, 1951.

Notes—(1) Carts required for continuous touring should be engaged by the month.

Cf. Rural Development Department G.O. no. 316R/-XII-C, dated 18th January, 1940.

(2) Officers should use camels instead of carts when the former are cheaper. One cart may be taken as the equivalent of $2\frac{1}{2}$ camels. Motor transport may be used in long journeys where it is cheaper to do in place of carts or camels.

(3) Unless otherwise provided, the number of mazdoors shown above is the maximum which should be employed for pitching and striking tents; payment at the rate of four annas each for pitching, and two annas each for striking camp should ordinarily be sufficient. Officers of the Public Health Department have, however, been allowed to pay the charges up to twice those rates.

G.O. no. 3429/III-42, dated 7th December, 1943.

(4) The scales for officers of the Forest and Public Works Departments are given in the manuals of the respective departments.

(5) In the hills when luggage is sent by motor lorry instead of by mazdoors, the limit of weight admissible is determined by multiplying 40 seers by the number of mazdoors allotted.

Cf. Rural Development Department G.O. no. 5887 R/-XII-C-344, dated 29th July, 1940. G. O. no. 1551/IA-372, dated 15th August, 1932.

The allotment of mazdoors for tour in the hills should be reckoned as dotiyal mazdoors carrying 40 seers each and the wages of each such mazdoor should be annas twelve per day for marches and annas eight per day for halts, subject to variations up to 25 per cent. on expensive routes which Deputy Commissioners should specify. Four ordinary hill mazdoors may be substituted for three dotiyal mazdoors, but only if this can be done without increasing total cost.

(6) When the post of Superintendent and Executive Engineer, Tarai and Bhabar Estates, is held by one officer he shall be entitled in his dual capacity, while on tour, to a maximum of twenty camels.

G. O. no. 512/IA-82, dated 7th April, 1933.

(7) Assistant Engineers of the Irrigation Department when transferred to the Tarai and Bhabar Government Estates as Sub-Divisional Officers will be allowed camp equipment and carriage at the rates prescribed in paragraph 32 of the Irrigation Manual.

APPENDIX 12

(Referred to in paragraph 316)

PHYSICAL STANDARDS FOR THE TERRITORIAL ARMY

Arm of Service				Height	Expanded Chest	Expansion	Weight
							Lb.
Artillery	..	..	..	5' 4"	33"	2"	115
Engineers	..	..	..	5' 4"	33"	2"	115
Infantry	..	..	..	5' 3"	32½"	2"	110
Armoured Corps	..	..	..	5' 3"	32½"	2"	110
Signals	..	..	..	5' 3"	32½"	2"	110
E. M. E.	..	..	..	5' 3"	32½"	2"	110
A. S. C.	..	..	..	5' 3"	32½"	2"	110
A. M. C. (A and N Sections)	..	..	..	5' 2"	32½"	2"	110
A. M. C. (Other Sections)	..	..	..	5' 0"	32½"	2"	105
A. O. C.	..	..	..	5' 0"	32½"	2"	105
Others	..	..	..	5' 2"	32½"	2"	110

NOTE—(i) Minimum measurements for Gorkhas, Garhwalis and Assamese for all Arms and Services will be as under :

Height	..	..	5'
Weight	..	..	110 lb.
Chest expanded	..	..	32½"
Expansion	..	..	2"

(ii) For Madras minimum expanded chest 32" in all cases, provided the range of expansion is not less than 2".

(iii) At the discretion of the Recruitment Medical Officer standards for height may be relaxed by 1 inch, standard for expanded chest girth by ½ inch and weight by 5 lb. for all Arms and Services.

APPENDIX 13

(Referred to in paragraph 346)

LIST OF OFFICERS IN UTTAR PRADESH AUTHORIZED TO SEND FOREIGN STATE TELEGRAMS

<i>Designation of authorized officers</i>	<i>Addresses to which foreign State Telegrams may be sent</i>
1. Governor of U. P.	All places and persons.
2. Ministers	Ditto.
3. Administrator General and Official Trustee, Government of Uttar Pradesh.	All Ambassadors, High Commissioners, Agents, Trade Commissioners, etc., outside India.
4. Chief Agricultural Engineer, Uttar Pradesh.	High Commissioner for India, London.
5. Chief Conservator of Forests, Uttar Pradesh.	Ditto.
6. Chief Engineer, Public Health Engineering Department, Uttar Pradesh.	1. Ditto. 2. Trade Commissioner for India in United Kingdom/United States of America. 3. Ambassador of India in United States of America.
7. Chief Engineer, Public Works Department, Buildings and Roads Branch.	1. High Commissioner for India, London. 2. Trade Commissioner for India, Accounts Department, London. 3. High Commissioner for India, Stores Department, London. 4. Manufacturers and dealers abroad. 5. Indian Embassy, Washington. 6. Officers of the Buildings and Roads Branch on leave out of India.
8. Chief Engineer, Public Works Department, Uttar Pradesh, Electricity Branch/Irrigation Branch.	All places and persons.

*Designation of authorized officers**Addresses to which foreign
State Telegrams may be sent*

- | | |
|---|---|
| 9. Conservator of Forests, Eastern Circle, Uttar Pradesh, Naini Tal. | All places and persons. |
| 10. Conservator of Forests, Kumaun Circle, Uttar Pradesh, Naini Tal. | Ditto. |
| 11. Conservator of Forests, Land Management Circle, Uttar Pradesh, Naini Tal. | Ditto. |
| 12. Conservator of Forests, Western Circle, U. P., Naini Tal. | High Commissioner for India, London. |
| 13. Conservator of Forests, Working Plan Circle, Uttar Pradesh, Naini Tal. | Ditto. |
| 14. Chief Secretary to Government of Uttar Pradesh. | All places and persons. |
| 15. Director of Agriculture, Uttar Pradesh. | 1. Trade Commissioner for India in United Kingdom.
2. Messrs. Garage Memro Ltd., Contract Garden Market, London, WC-2. |
| 16. Director of Education, Uttar Pradesh | High Commissioner for India, London. |
| 17. Director of Information, Uttar Pradesh. | Ditto. |
| 18. Director of Medical and Health Services, Uttar Pradesh. | 1. High Commissioner for India, London.
2. Ambassador of India in United States of America, Washington.
3. Officers and students under training abroad. |
| 19. General Manager, Kanpur Electricity Supply Administration. | 1. High Commissioner for India, London.
2. Firms in United Kingdom executing contracts. |
| 20. Joint Secretaries to Government of Uttar Pradesh. | All places and persons. |
| 21. Registrar, High Court of Judicature at Allahabad. | 1. High Commissioner for India, London.
2. Sweet Maxwell, 2 and 3 Chancery Lanes, London.
3. Carwall, Toronto. |

Designation of authorized officers

*Addresses to which foreign
State Telegrams may be sent*

- | | |
|--|--|
| | 4. Indian Ambassador, United States of America, Washington. |
| | 5. Wildy and Sons, Booksellers, London. |
| | 6. Stevens and Sons, Booksellers, London. |
| | 7. Butterworth, Booksellers, London. |
| 22. Secretaries to Government of Uttar Pradesh. | All places and persons. |
| 23. Secretary to the Governor .. | Ditto. |
| 24. Superintendent, Printing and Stationery, Uttar Pradesh. | Director General, India Stores Department, London. |
| 25. Town and Village Planner to Government of Uttar Pradesh. | 1. Town Country Planning Association, 28, King Street Convent Garden, London.
2. Town Planning Institute, 28, Ashley Place, London.
3. Albert Mayer, 33, Union Square New York.
4. R. D. Truedgett, 1363, Broadway Alameda, California. |

APPENDIX 14

(Referred to in paragraph 347)

LIST OF OFFICIALS AUTHORIZED TO SEND SPECIAL POLICE TELEGRAMS

1. Inspector General of Police, U. P.
2. Assistant Inspector General of Police, Railways.
3. Deputy Inspectors General of Police, U. P.
4. Deputy Inspector General of Police, Railways.
5. Senior Superintendents of Police
6. Superintendents of Police.
7. Officer in charge, Recruits Training Centres.
8. Principal, Police Training College, Moradabad.
9. Headmaster, Armed Police Training School, Sitapur.
10. Deputy Superintendents of Police.
11. Inspectors of Police.
12. Circle Inspectors of Police.
13. Reserve Inspectors of Police.
14. Sub-Inspectors of Police.
15. Reserve Sub-Inspectors of Police.
16. Head Constables.
17. Constables.
18. Chaukidars.

APPENDIX 15

(Referred to in paragraph 348)

**LIST OF DIGNITARIES AND OFFICERS OF THE U. P. GOVERNMENT
AUTHORIZED TO USE PRIORITY INDICATIONS IN STATE TELEGRAMS
AND TELEPHONE TRUNK CALLS**

Indication "MOST IMMEDIATE"

1. The Governor, U. P.
2. The Chief Minister.

Indication "OPERATION IMMEDIATE"

NOTE.—"Operation Immediate" should only be used in connexion with acting operations (including internal defence during disturbance) or for the purposes of saving lives at sea or in the air.

Persons authorized to use the priority indication "Most Immediate"

Indication "IMMEDIATE"

1. Persons entitled to use the indication "Most Immediate".
2. Speaker and Chairman of the State Legislatures.
3. Ministers.
4. The Chief Secretary to Government.
5. The Chief Justice of the High Court.
6. Parliamentary Secretaries to U. P. Government.
7. The Secretary to the Governor.

Indication "IMPORTANT"

1. Persons authorized to use the priority indications "Most Immediate" and "Immediate".
2. Secretary of the State Legislatures.
3. Secretaries to Government.
4. All Commissioners of Divisions.
5. All District Officers.
6. The Inspector General of Police.
7. The Deputy Inspectors General of Police.
8. All Superintendents of Police.
9. The Regional Food Controllers (with headquarters at Meerut, Kanpur, Lucknow and Gorakhpur).
10. Deputy Regional Food Controller, Agra (in telephone trunk calls to the Regional Food Controller, Meerut).
11. Deputy Commissioner, Food and Civil Supplies, Procurement, Uttar Pradesh.
12. Director of Medical and Health Services, U. P.
13. Inspector General of Prisons, U. P.
14. Iron and Steel Controller, U. P., Kanpur.
15. The Judges in the English Departments of the High Court of Judicature.
16. Jute Controller to the Government, U. P.
17. Provincial Textile Controller, U. P., Kanpur.
18. Registrar of the High Court of Judicature.

APPENDIX 16

(Referred to in paragraph 411)

**FORM FOR PILGRIMS MAKING DEPOSITS TO COVER COST OF POSSIBLE
REPATRIATION AND INSTRUCTION REGARDING INOCULATION AND
VACCINATION**

A—Form

To

THE EXECUTIVE OFFICER, PORT HAJ COMMITTEE,

HAJ SABOO SIDDICK MUSAFIRKHANA,

CRAWFORD MARKET, BOMBAY-1.

I, ^{son}
wife of ,
widow
native of village , in the District,
Province, am desirous of proceeding on a pilgrimage
to Iraq
Iran
Iraq and Iran accompanied by the undermentioned members
Hejaz via Iraq
of my family who are under the age of 15 years, namely :

No.	Name	Age	Relationship
1			
2			
3			
4			

2. I herewith remit by the sum of Rs.
as deposit to cover the cost of possible repatriation of myself and the
said members of my family, at the rate of Rs.160 for each individual
of the age of 10 years or more and Rs.80 for each individual below
the age of 10 years.

3. The deposit is made subject to the condition that if I, or any
of the said members of my family—

(a) does not for any reason leave India on the pilgrimage,

(b) returns to India at my or his expense within two years
from the date of issue of the pilgrim pass to me, or

(c) dies abroad within two years from the said date, the deposit or such portion of it as is now made on account of that person will, on application being made in writing to the Port Haj Committee, Bombay, within two years from the said date, be refunded to me or to

age years, son of caste in the District
 of village Province, whom I hereby nominate as my legal representative for the purpose of receiving the said amount.

4. I further agree that if I or any of the said members of my family fails to return to India within two years from the date of issue of the pilgrim pass to me, or if no valid claim for refund of the deposit is made within two years from the said date, the deposit, or such portion of it as has not been refunded, shall lapse to, and may be disposed of by, Government in such manner as it thinks fit.

5. A receipt for the amount deposited with you may kindly be sent to me and a copy thereof to the District Magistrate to whom I am applying for the issue of a pilgrim pass.

*Signature or thumb-impression of the
Applicant.*

B—Instructions regarding Certificates of Inoculation against Cholera and Vaccination against Small-pox

1. *Inoculation against cholera*—According to the International Rules inoculation is to be done in two doses as below :

First dose of 0.5 cc. ($\frac{1}{2}$ cc.) of recognized potency.

Second dose of 1 cc.

The dose for children should be proportionately decreased. The interval between the two doses should not be less than seven days and more than ten days. The certificate will be valid from the seventh day after the second dose.

2. *Vaccination against small-pox*—Vaccination is also to be done in the prescribed manner. In the case of primary vaccination the person vaccinated must report to the vaccinating medical officer between the 8th and 14th day in order that the result of the vaccination may be recorded on the certificate along with the dates of inspection which should also be entered in the certificate. In the case of re-vaccination the person should report to the vaccinating medical officer within 48 hours for first inspection in order that any immune reaction which has developed may be recorded. The certificate should be issued by vaccinating medical officer only after endorsing the result in one of the three terms mentioned in the certificate.

3. The inoculation/vaccination certificate should be on the prescribed international forms given at the end of this Appendix and should be duly signed giving the designation and the official stamp of the doctor in Government or Municipal service. If the certificate is issued by a private doctor, who must be a registered medical practitioner, he should give below his signature, his full name, medical qualifications and medical registration number. Such a certificate must then be countersigned by a qualified doctor in Government or Municipal service. The Government or Municipal medical officer countersigning the certificate should also give below his signature his official designation and stamp without which such certificates will not be accepted as valid. Certificates issued by unregistered medical practitioners and Sanitary Inspectors will not be accepted even if they are countersigned by doctors in Government or Municipal service.

4. Vaccinated persons should show good vaccinal scars caused by a typical primary vaccinal reaction or after an accelerated reaction if this is sufficiently pronounced. If no scars are visible they are not immune and should be re-vaccinated.

5. Vaccination against small-pox should be carried out in infants even before they attain the age of 6 months, while in case of cholera inoculation, all children of one year and above must be protected.

6. One combined certificate for the entire family will not be accepted. Each individual should have a separate certificate.

7. Certificates where no reaction is shown "unsuccessful" or "no reaction" will not be accepted.

8. A certificate where no result of vaccination is shown and the space is kept blank will also not be accepted.

9. Doctors should go through the instructions carefully and to conform fully with the procedure required to save the certificates from being challenged and pilgrims from needless difficulties.

10. Zaireen who do not get themselves inoculated against cholera and vaccinated against small-pox in their own native places can get themselves inoculated and vaccinated in Bombay at the Municipal General Dispensaries. During the Haj Pilgrim season, they can get themselves inoculated and vaccinated by the Medical Officers on Inoculation and Vaccination Duty at the Seth Mohamed Haji Saboo Siddick Musafirkhana, Carnac Bridge, Bombay. They are, however, advised to get these done in their home places before coming to Bombay in order to avoid delay and inconvenience, as pointed out in the above paragraphs.

11. Specimen of the certificates are as follows :

International Certificate of Vaccination against Small-pox

THIS IS TO CERTIFY THAT.....
(age.....sex.....) whose signature appears below has
this day been vaccinated by me against small-pox.

Origin and Batch no. of Vaccine.....

Signature of Vaccinator.....

Official stamp *Official position*.....

Place..... *Date*.....

Signature of person vaccinated.....

Home Address.....

IMPORTANT : In the case of primary vaccination the persons vaccinated should be warned to report to a medical practitioner between the 8th and 14th day in order that the result of the vaccination may be recorded on this certificate. In the case of re-vaccination the person should report within 48 hours for the first inspection in order that any immune reaction which has developed may be recorded.

THIS IS TO CERTIFY THAT the above vaccination was inspected by me on the date (a) and with the result (b) shown hereunder:

Date of inspection

Result

.....
Official stamp

.....
Signature of Doctor.....

Official position.....

Place..... *Date*.....

Use one or other of the following terms in stating the result, viz.
" Reaction of immunity ". " Accelerated reaction vaccination)",
" Typical primary vaccinia ". A certificate of " no reaction " will not
be accepted.

Signature of person vaccinated.....

This certificate is not valid for more than 3 years from date of issue and until 14 days after the date of the vaccination except in the case of persons re-vaccinated within 3 years.

Explanatory Note regarding the interpretation of results of vaccination :

(1) Reaction of immunity—A papule appears on the first day, does not develop into a vesicle and rapidly fades away.

(2) Accelerated reaction (vaccinoid)—A papule appears on the second day, a vesicle on the third, pustule (if present) on the fourth day, scabbing starts on the fifth day and the scab is off by the eighth day.

(3) Typical primary vaccinia—A papule appears on the fourth day, becomes a vesicle on the fifth day and a pustule on the eighth day. Scabbing starts on the eleventh day and the scab is off between the sixteenth and twenty-first day.

International Certificate of Inoculation against Cholera

THIS IS TO CERTIFY THAT.....

(Age..... sex.....) whose signature appears
below was on the dates indicated inoculated against cholera :

Material			Inoculating Officer	
Date	Origin	Batch no. and type	Signature	Official Title

Signature of person inoculated.....

Home Address.....

Official Stamp of Inoculating Officer.

Date.....

This certificate is valid from the seventh day after inoculation to 6 months except in the case of persons re-inoculated within 6 months.

NOTE—Before leaving their homes in India, the pilgrims must ensure that they have obtained Health Certificate on the International forms in respect of the restrictions imposed by the Government of the countries to which they are proceeding or through which they are going to pass. These restrictions keep on changing and the pilgrims are, therefore, advised to get the latest information from their travel agents or from the office of the Port Haj Committee, Bombay.

APPENDIX 17*(Referred to in the Note to paragraph 444)***MEMORANDUM DISTINGUISHING CUBS OF WOLVES FROM THOSE
OF JACKALS AND FOXES**

NOTE—The following memorandum is recorded for guidance in distinguishing cubs of wolves from those of jackals and foxes.

(a) *Wolves*—Breeding season from about the middle of October to about the end of December. When very young, with closed eyes and ears, their general superficial colour is sooty brown, with an under-colour that is, at the root of hairs, of dirty tan. The latter is more apparent on the head and flanks, while the sootiness is more decided on the under part of the body. They have a milky white chest spot, varying from a few hairs to a largish patch. The ears are drooping. When the eyes of young wolves are open and they begin to crawl about the third week, their general colour is a dirty tan washed with soot. As they grow, the ears become erect, general colour becomes a uniform light tan, with only the tips of the hairs dark, the tail being the darkest part of the animal. After the sixth week or so, the white chest spot merges into the fawn colour of the remainder of the chest, and a dark colour on the under part of the neck becomes visible. This colour looks as if dark grey ashes were brushed across the grey white of the neck. But it disappears again as the wolf gains his adult colouring and merges into the uniform creamy white of the neck and chest.

(b) *Jackals*—Breeding season from about the middle of March to middle of April. When quite young, with closed eyes, they are of a sooty brown sprinkled all over with greyish hairs. Their coat is somewhat harsh. The lower part of their abdomen is bare. Their tail compared to their body is short. As they grow, a tan spot is developed in front of each ear. Afterwards, a good deal of tan appears about their heads and legs and their colour becomes lighter and their coat softer, but it is spare and never so full as that of a young wolf. The grey tips of the hairs are very distinct, specially in certain lights. As they grow older, they become still lighter in colour, and the sootiness is confined to the tips of the hairs. Their appearance is then as if they had been rolling themselves among charcoal, viz., a ground colour of yellowish tan, washed with soot. Their teeth are neither fine nor stout. When about a month old their general character, smallness of limbs and head should render it easy to distinguish them from wolf cubs, specially when the season is taken into consideration. Should any very young and hairless cubs be brought, it is a sign they have been cut out of the mother and then unless they bring the mother also, it is a sure sign they are not wolves, as if a pregnant wolf were captured, a reward for her would certainly be claimed. It is understood that by far the largest proportion of cubs for which "kanjars" claim reward are jackals.

(c) *Foxes*—Breeding season from about middle of February to middle of March. When quite young, with closed eyes, they are of a very light brown somewhat of the shade of coffee and milk, darker

on the back. Their coat is soft and the tail compared to their body is very long, almost twice as long as that of the young jackal of the same age. When older their colour becomes lighter, being only slightly dark on the back. The lower part of their abdomen becomes completely covered with a short and soft white down and their ears white edged. Still older, their coat becomes very soft and of a yellowish tan, with numerous projecting silky black hairs. At this period on their paws (that part which corresponds to the anatomical wrist) are developed a few white hairs and their face becomes quite foxy, with a pointed muzzle. Their teeth are fine.

APPENDIX 18

(Referred to in paragraph 455)

RULES UNDER SECTION 91 OF THE INDIAN LUNACY ACT (1912)

Preliminary

Cf. notification no. 2334/VI—588-1912, dated May 21, 1914.

1. In these rules unless there is anything repugnant in the subject to context—

The “Act” means the Indian Lunacy Act (IV of 1912) and “hospital” means a hospital for lunatics established by Government.

The “Code” means the Code of Criminal Procedure, 1898.

2. In addition to the forms nos. 1, 2, 3, 5, 7 and 8 set forth in Schedule I of the Act (which are reproduced at the end of these rules for the sake of convenience) the forms numbered IX to XVI attached to these rules, with such variations as the circumstances of the case may require, shall be used for the purposes indicated therein.

General

Under section 91 (1) (d).

3. In every hospital and in every jail where lunatics are confined there shall be maintained—

(a) in respect of all lunatics so confined a nominal roll in form XIII,

(b) in respect of each lunatic so confined a medical history-sheet in form XIV wherein the events in the medical history of the lunatic, together with recorded opinions, with dates, as to his mental condition, shall be entered.

4. Whenever a lunatic is received in a hospital or jail a receipt in form XV shall be given by the person in charge of the hospital or jail to the person handing the lunatic over.

5. Every person supposed or found to be a lunatic whether detained or confined in a jail, shall be kept separate from the prisoners.

6. The mental hospitals shown in the following list are prescribed as those to which non-criminal lunatics from the districts shown below them shall ordinarily be sent :

Cf. G.O.s. nos. 668/V—163, dated May 4, 1927, and 1507/V—135, dated November 28, 1927.

Bareilly Mental Hospital

Bareilly	District	Lucknow	District
Saharanpur	„	Unnao	„
Naini Tal	„	Sitapur	„
Bijnor	„	Hardoi	„
Almora	„	Kheri	„
Moradabad	„	Azamgarh	„
Garhwal	„	Gorakhpur	„
Tehri-Garhwal	„	Deoria	„
Budaun	„	Basti	„

Bareilly Mental Hospital

Dehra Dun District	Faizabad District
Pilibhit „	Bahraich „
Shahjahanpur „	Bara Banki „
Gonda District	

Agra Mental Hospital

Agra District	Meerut District
Mathura „	Aligarh „
Jhansi „	Bulandshahr „
Farrukhabad „	Banaras „
Jalaun „	Ballia „
Mainpuri „	Mirzapur „
Kanpur „	Jaunpur „
Etah „	Ghazipur „
Etawah „	Allahabad „
Banda „	Fatehpur „
Hamirpur „	Sultanpur „
Muzaffarnagar „	Pratapgarh „

Rae Bareli District.

Exception I.—When any hospital becomes full, the Superintendent shall at once report the fact to the Director, Medical and Health Services. The latter officer shall inform the Magistrates of the district concerned to this effect, and at the same time shall instruct each magistrate to which hospital he shall send the lunatics of his district pending the receipt of further directions.

Exception II.—All lunatics whose sponsors can arrange payment of the charges payable at the Hospital for Mental Diseases, Ranchi, may be sent to that institution except for a period or periods of detention for observation ordered under section 16 of the Act.

7. Before a lunatic, who has at any time exhibited a tendency to violence, is directed to be discharged under section 31 of the Act, the visitors shall satisfy themselves that a sufficient length of time has elapsed since any manifestation of violence to render a recurrence improbable.

8. Every lunatic on discharge shall be furnished with a certificate of discharge in form XVI signed by the Superintendent of the hospital or jail.

Non-criminal Lunatics*A—Non-criminal Lunatics other than those so found by inquisition*

Under sec-
tion 91(1) (f)
and (i).

9. When a Magistrate acting under section 14 or 15 (3) of the Act, considers it necessary to make enquiries into the state of mind of an alleged lunatic, he shall cause a local investigation to be made through the police or such other agency as may be available in regard to the past history of the lunatic, so far as this can be ascertained, and as to the capability and willingness of his friends to take charge of him. Such Magistrate shall also cause enquiry to be made whether the lunatic has any property or other assets applicable to his maintenance, or whether any person legally bound to maintain such suspected lunatic has the means to do so.

*Cf. notific-
tion no.
219/V—232,
dated
February 28,
1924, under
sections 13
to 16.*

9A. (1) The Magistrate shall ordinarily make the reception order at once in all cases under sections 13 to 16 of the Act. In every case he shall at the earliest possible stage make full enquiry into the domicile of the alleged lunatic and shall invariably enter his finding on the point of domicile in the statement of particulars (form IX) or, if the enquiry into domicile is then still incomplete, shall communicate his findings as soon as possible to the Superintendent of the hospital to which the lunatic has been sent.

(2) If, as a result of his enquiries, the Magistrate finds that the lunatic is domiciled in another State, he shall report the matter at once to the State Government of his own State for orders. To enable the State Government to issue the order the Magistrate shall ascertain that accommodation is available in a hospital in the State in which the lunatic is domiciled and that the cost of maintenance will be paid (*vide* section 11) and shall include in his report full details as to domicile, reasons for admission to a hospital and grounds, if any, for retaining the lunatic in the State.

(3) When a lunatic has been admitted to a hospital before Government has decided whether to take action under section 85, the Government's decision will be communicated direct to the Superintendent of the hospital in which the lunatic is detained.

(4) If the Superintendent of a hospital discovers that a lunatic admitted as domiciled in this State is in fact domiciled elsewhere, he shall bring the fact to the notice of the State Government forwarding full details of the case.

10. When under section 16(1) of the Act a magistrate authorizes the temporary detention of an alleged lunatic to enable the Medical Officer to determine whether he is a person in respect of whom a medical certificate may be properly given, he shall at the time of such authorization or as soon after as may be practicable, send to the Medical Officer a statement of the particulars prescribed in form IX so far as they have been ascertained, together with an abstract in form XI of any information that may have been recorded by himself or acquired in the course of the investigation referred to in the last preceding paragraph.

11. (1) A lunatic ordered to be detained by a magistrate under section 16 of the Act shall be detained in a place prescribed in this rule.

(2) In the following districts or portion of a district the place of detention shall be as follows :

Notification
no. 61/V—
446, dated
January 21
1926.

District				Place of detention
Agra ..	..	..	..	The Agra Mental Hospital.
Bareilly ..	..	..	}	The Bareilly Mental Hospital.
Pilibhit ..	..	..		
Tarai portion of the Naini Tal District				
Banaras ..	..	..	..	The Banaras Mental Hospital.
Gairhwal ..	..	..	..	The dispensary at Srinagar.

(3) In other districts—

(a) if a private ward is available in a hospital maintained or aided out of public or local funds, and

if the behaviour of the lunatic is such that his presence in the hospital will not be injurious to other patients, and

if the cost of detention in the ward is paid by or on behalf of the lunatic or can be defrayed out of his estate, the lunatic shall be detained in a private ward of such hospital ; and

(b) if any of the conditions set forth above is not fulfilled the lunatic shall be detained in the district jail.

(4) The decision of the District Magistrate shall be final as to whether the conditions prescribed in clause (3)(a) of this rule are or can be fulfilled.

(5) When an alleged lunatic is admitted into a private ward, the medical officer in charge of the hospital may employ such temporary staff as may be necessary for the proper care and control of the lunatic.

(6) The cost of detention shall include the charge ordinarily leviable from a patient for the occupation of the private ward, the cost of diet, medicines and clothing, if any, supplied to the lunatic, the cost of articles damaged by him and the cost of the temporary staff, if any, employed under clause (5) of this rule.

12. A magistrate making a reception order under section 14 or 15 of the Act shall send with the lunatic to the hospital to which he is consigned, along with the certified copy of the reception order required by section 21 of the Act, the following papers, namely:

(a) a statement in form IX of the particulars therein mentioned ;

(b) a copy of the medical certificate in form III;

(c) an abstract of any information recorded in the course of the enquiry into such person's state of mind (form XI).

Under sec-
tion 91
(1)(d).

13. When under section 35(1) of the Act a lunatic is transferred from one hospital to another, the following papers shall be sent with him :

- (i) The Magistrate's statement of particulars (form IX).
- (ii) Copy of the Medical Certificate (form III).
- (iii) The abstract of information (form XI).
- (iv) The Medical History Sheet (form XIV).
- (v) A copy of the relevant entries in form XIII, together with the certified copy of the order required by section 21 of the Act.

14. When under section 33 of the Act any relative or friend of a lunatic detained in a hospital has made an application for delivery of the lunatic to his care and custody, the Superintendent of the hospital shall, if so required by the Magistrate to whom the application has been made, furnish the following papers, namely :

- (a) statement of particulars (form IX);
- (b) copy of the Medical Certificate (form III);
- (c) the abstract of information (form XI);
- (d) the reception order (form V), together with an abstract in form XII of the lunatic's Medical History.

15. When the Superintendent of a hospital is of the opinion that a lunatic may be discharged under section 31 of the Act, he shall furnish the visitors to whose notice the case is brought with an opinion in writing that the lunatic may be discharged without danger of his doing injury to himself or to any other person and with the following papers, namely:

- (a) statement of particulars (form IX);
- (b) copy of the Medical Certificate (form III);
- (c) the abstract of information (form XI), together with an abstract in form XII of the lunatic's Medical History.

16. Before an order for discharge is made under section 33 of the Act in respect of a lunatic who has at any time exhibited any tendency to violence, the authority competent to make the order of discharge shall, where there is any probability of a recurrence of the tendency to violence, satisfy himself that the sureties are in a position to control the action of the lunatic.

B—Lunatics so found on inquisition

Under sec-
tion 91
(1)(f).

17. A court directing under section 67(1) of the Act the admission to a hospital of a lunatic so found by inquisition shall as well as sending the order for custody cause to be prepared, and send the following papers to the hospital along with the lunatic :

- (a) a statement in form IX of the particulars therein mentioned ;
- (b) an abstract of the evidence (including the medical evidence) recorded during the inquisition, in form XI.

18. When a lunatic so found by inquisition is transferred under section 35(1) of the Act from one hospital to another the following papers shall be sent with him :

Under section 91
(1) (d).

- (a) The papers referred to in the last preceding rule.
- (b) His Medical History Sheet (form XIV).
- (c) A copy of the relevant entries in form XIII.

19. When the Superintendent of a hospital is of the opinion that a lunatic so found by inquisition may be discharged under section 31 of the Act, he shall furnish the visitors to whose notice the case is brought with his opinion in writing that the lunatic may be discharged without danger of his doing injury to himself or any other person, and with the following papers :

- (a) the statement of particulars (form IX) ;
- (b) the abstract of evidence (form XI) ;
- (c) an abstract in form XII of the lunatic's Medical History.

C—Lunatics to whom section 7 or 10 of the Act applies

20. A magistrate ordering the reception of a lunatic under the provisions of section 7 or 10 of the Act shall, if the lunatic is admitted to a hospital, send with him —

Under section 91
(1)(f).

- (a) a statement in form IX of the particulars set forth therein ;
- (b) copies of the Medical Certificates (form III) ;
- (c) a summary of the evidence recorded at the enquiry in form XI.

21. The provisions of rules 18 and 19 shall apply, *mutatis mutandis*, to the transfer and discharge of lunatics of this class.

22. The place where a magistrate acting under section 8 of the Act may order an alleged lunatic to be detained shall be as prescribed in rule 11 of these rules.

Criminal Lunatics

23. When a court or magistrate reports the case of a criminal lunatic under section 466(2) or under section 471(1) [if these papers have not already been sent with a report under section 466(2), Criminal Procedure Code] such report shall be accompanied by the following papers :

Notification no. 3302/V1
—940, dated
October 24,
1924.

- (1) Statement of particulars in form IX.
- (2) A certificate in form X to be obtained from the Medical Officer referred to in section 464 of the Code.
- (3) An abstract of evidence taken in the enquiry in form XI.

The abstract of evidence shall be under the following heads, viz :

- (a) The demeanour of the lunatic before and after the perpetration of the act of which he is accused ;
- (b) the manner in which the act was perpetrated ;
- (c) any attendant circumstances indicating the lunatic's frame of mind or the ideas with which he was possessed at the time when the act was perpetrated, and
- (d) Any facts in the lunatic's past history which may be of value in deciding on the course which should be adopted in regard to him.

A report under section 471 (1) of the Code shall be accompanied by a copy of the judgment of the magistrate or court.

23A. All criminal lunatics, i.e., those under sections 471 and 466, Criminal Procedure Code, and section 30, Act III of 1900, shall be sent to the Banaras Mental Hospital.

24. When under section 466(2) of the Code the magistrate or court orders an accused person to be confined in a Mental Hospital or Jail, the magistrate or court shall send with the lunatic to the Superintendent of the hospital or jail forms IX, X and XI prescribed by the previous rule.

25. When a criminal lunatic confined under section 466(2) of the Code is, under section 473 of the said Code, certified by the Inspector General or visitor, as the case may be, to be capable of making his defence and taken before the magistrate or court, there shall be sent with him the certificate of the Inspector General or of the visitors and the following papers, namely—

- (a) statement of particulars (form IX);
- (b) the Medical Officer's certificate (form X);
- (c) the abstract of evidence (form XI), together with an abstract in form XII of the lunatic's Medical History.

26. Under sections 471(1) and 466(2) of the Code of Criminal Procedure, 1898, a magistrate or court has power to order an accused person to be kept in safe custody in such place and manner as the magistrate or court thinks fit.

An accused person who has been so ordered to be kept in safe custody shall, except in the case of an examination and enquiry under section 464(1A) :

(a) if ordered to be detained in a hospital, be confined in such hospital, or if for any reason this is considered desirable, be transferred to another hospital;

(b) if ordered to be detained in a Central Prison, be transferred to and confined in the hospital indicated in rule 6, unless there is insufficient accommodation in the available hospitals;

(c) if ordered to be detained in any other place, be transferred to and confined in the hospital indicated in rule 6, unless there is insufficient accommodation in the available hospitals, in which case he shall be transferred to and confined in a Central Prison, ordinarily the one nearest to or most similar in climatic conditions to his native district.

27. When a criminal lunatic is sent to a hospital or jail by a magistrate or court as directed in rule 26, a set of papers as prescribed by rule 23, shall be prepared and sent with the lunatic to the hospital or jail. When a magistrate or court under section 466 (2) or section 471(1), Criminal Procedure Code, orders a person to be kept in safe custody in a place other than a hospital, such magistrate or court shall report the case to the Director, Medical and Health Services, who will arrange

in conjunction with the Inspector General of Prisons for the transfer of such person in accordance with the directions contained in the preceding rule. Such report shall be accompanied by copies of the papers as set forth in rule 23.

28. When under section 35(1) of the Act a criminal lunatic is transferred from one hospital to another, the papers referred to in rule 23 shall be sent with him, together with his Medical History-Sheet (form XIV), and a copy of the relevant entries in form XIII.

Under
section
91 (1)(e).

29. When the case of a criminal lunatic confined in jail or hospital under the provisions of section 466 or 471 of the Code is reported under section 30 of the Lunacy Act, by the Inspector General of Prisons or the visitors to the authority under whose orders such lunatic is confined there shall be sent with the report the following papers :

Under
section
91 (1)(c).

(a) an abstract of the lunatic's medical history (form XII);

(b) medical history-sheet (case book) (form XIV).

In the case of lunatics confined under the provisions of section 471 of the Code, such authority, that is to say, the court or magistrate, shall forward the report and these papers to the State Government.

These papers will be returned by the State Government to the Superintendent of the hospital or jail unless the discharge of the lunatic is ordered.

30. When the officer in charge of the place where a criminal lunatic is confined by the orders of the State Government passed under section 30(1), Act III of 1900, recommends his remand to prison, such officer shall, in addition to sending a statement in form XII, give in his report specific reasons for thinking the procedure a safe one, having due regard to the medical history of the patient, and the length of sentence to run before his final release from jail.

31. In the case of a person detained in a hospital under the provisions of section 30(1), Act III of 1900, after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned, when the officer in charge of the hospital where he is detained is of opinion that such lunatic may be discharged under the provisions of section 31 of the Act, he shall bring the case before the visitors, furnishing them in writing with the particulars set forth in form XII together with his own opinion as to the safety of releasing such person.

FORMS

Form I.—Application for reception order and statement of particulars.

Form II.—Reception order on petition.

Form III.—Medical certificate (see rules 13, 14, 15 and 16).

Form V.—Reception order (rules 13, 14 and 15).

Form VII.—Bond on the making over of a lunatic to the care of relative or friend.

Form VIII.—Bond on discharge of a lunatic from a hospital on the undertaking of relative or friend to take due care.

Form IX.—Magistrate's or court's statement of particulars (see rules 11, 13, 14, 15, 16, 19, 20, 21, 23, 24, 25, 27, 28 and 29).

Form X.—Medical Officer's certificate (see rules 23, 24, 25, 27, 28 and 29).

Form XI.—Abstract of evidence or information (see rules 11, 13, 14, 15, 16, 19, 20, 21, 23, 24, 25, 27, 28, 29 and 30).

Form XII.—Abstract from Medical History Sheet (see rules 15, 16, 21, 25, 29 and 31).

Form XIII.—Lunatic's nominal roll (see rules 4, 14, 20 and 28).

Form XIV.—Medical History-Sheet (case book) (see rules 4, 14, 20 and 28).

Form XV.—Certificate of receipt of lunatic (see rule 5).

Form XVI.—Certificate of discharge of lunatic (see rule 9).

FORM I

Application for Reception Order

(See SECTIONS 5 AND 6)

In the matter of _____ residing
at _____, by occupation _____, son of
; a person alleged to be a lunatic.

To

District Magistrate of

Sub-Divisional Magistrate of

A magistrate specially empowered under Act IV of 1912

The petition of (1)* _____ residing at
_____, by occupation _____, son of _____
in the town of _____ (or sub-division of _____)
_____ in the district of _____.

1. I am _____ (2)* years of age.

2. I desire to obtain an order for the reception of _____ as
a lunatic in the _____ hospital of _____ situate
at (3)* _____.

3. I last saw the said _____ at
on the (4)* _____ day of _____.

(1)* Full name, caste and titles.

(2)* Enter the number of completed years. The petitioner must be at least eighteen or twenty-one, whichever is the age of majority under the law to which the petitioner is subject.

(3)* Insert full description of the name and locality of the hospital, or the name, address, and description of the person in charge of the hospital.

(4)* A day within 14 days before the date of the presentation of the petition is requisite.

4. I am the _____ (a)* of the said
(or if the petitioner is not a relative of the patient state as follows)

I am not a relative of the said
The reasons why this petition is not presented by a relative are as follows: (state them).

The circumstances under which this petition is presented by me are as follows : (state them).

5. The persons signing the Medical Certificates which accompany the petition are (6)*.

6. A statement of particulars relating to the said
accompanies this petition.

7. (If that is the fact.) An application for an enquiry into the mental capacity of the said _____
was made to the _____ on the _____ and a
certified copy of the order made on the said petition is annexed hereto.

(Or if that is the fact.) No application for an enquiry into the mental capacity of the said _____ has
been made previous to this application.

The petitioner, therefore, prays that a reception order may be made in accordance with the foregoing statement.

(Sd.)

The statements contained or referred to in paragraphs
are true to my knowledge; the other statements are true to my information and belief.

(Sd.)

Dated

Statement of particulars

(If any of the particulars in this statement is not known, the fact to be so stated).

The following is a statement of particulars relating to the said :

Name of patient at length.

Sex and age.

Married, single or widowed.

Previous occupation.

Casto and religious belief, as far as known.

Residence at or immediately previous to the date hereof.

Names of any near relatives of the patient who are alive.

(5)* Here state the relationship with the patient.

(6)* Here state whether either of the persons signing the Medical Certificates is a relative, partner or assistant of the lunatic or of the petitioner, and, if a relative of either, the exact relationship.

Whether this is first attack of lunacy.

Age (if known) on first attack.

When and where previously under care and treatment as a lunatic.

Duration of existing attack.

Supposed cause.

Whether the patient is subject to epilepsy.

Whether suicidal.

Whether the patient is known to be suffering from phthisis or any form of tubercular disease.

Whether dangerous to others, and in what way.

Whether any near relative (stating the relationship) has been afflicted with insanity.

Whether the patient is addicted to alcohol, or the use of opium, ganja, charas, bhang, cocaine or other intoxicant.

(The statements contained or referred to in paragraphs are true to my knowledge. The other statements are true to my information and belief.)

(Signature by person making the statement).

FORM II

RECEPTION ORDER ON PETITION

(See sections 7, 10)

I, the undersigned, being
the District Magistrate of
the Sub-Divisional Magistrate
 a magistrate of the first class specially empowered by Government under Act IV of 1912
 upon the petition of of (1)
 in the matter of (1) a lunatic, accompanied
 by the medical certificate of , a medical officer,
 and of , a medical practitioner (or medical officer),
 under the said Act, hereto annexed, hereby authorise you to receive the
 said into your hospital. And I declare
 that I have (or have not) personally seen the said
 before making this order.

(Sd.)

(Designation as above).

To (2).

(1) Address and description.

(2) To be addressed to the officer or person in charge of the hospital.

FORM III

MEDICAL CERTIFICATE

Sections 14,
15, 18 and
19 of Act.

In the matter of, _____ of*
in the town of _____ (or the sub-division of
in the district of _____)
an alleged lunatic.

I, the undersigned, _____ do
hereby certify as follows:

1. I am a gazetted medical officer (or a medical practitioner declared by Government to be medical officer under Act IV of 1912.)
a holder of _____ (or declared by State Govern-
ment to be a medical practitioner under Act IV of 1912.)

and I am in the actual practice of the medical profession.

2. On the _____ day of _____ 19____,
at† _____ in the town of _____
village _____
(or the sub-division of _____)
(separately from any other practitioner)‡ I personally examined the
said _____ and came to the conclusion that the said
_____ is a lunatic and a proper person to be taken
charge of and detained under care and treatment.

3. I formed this conclusion on the following grounds, viz :

(a) Facts indicating insanity observed by myself, viz.

(b) Other facts (if any) indicating insanity communicated to
me by others, viz.—(Here state the information and from
whom.)

(Sd.)

Designation.

FORM V

*Reception order in case of wandering or dangerous lunatics or lunatics
not under proper control or cruelly treated (sent to a hospital established
by Government).*

(See sections 14, 15 and 17)

I, the District Magistrate of _____
the Sub-Divisional Magistrate
a magistrate specially empowered by Government under Act IV of 1912
having caused _____ to be examined by _____,
a medical officer under the Indian Lunacy Act, 1912, and being satisfied
that _____ is _____

* Insert residence of patient.

† Insert place of examination.

‡ Omit this where only one certificate is required.

a lunatic wandering at large
 a person dangerous by reason of lunacy
 a lunatic not under proper care and control
 a lunatic cruelly treated or neglected by the person having the care or charge of him
 and a proper person to be taken charge of and detained under care and
 treatment, hereby direct you to receive the said
 into your hospital.

(Sd.)

Dated the

19 .

To

THE OFFICER IN CHARGE OF THE HOSPITAL

AT

FORM VII

Bond on the making over of a lunatic to the care of relative or friend
 (See sections 14, 15 and 17).

Whereas

, son of

inhabitant of

has been brought up before the District Magistrate
 the Sub-Divisional Magistrate of

a Magistrate of the first class specially empowered under Act IV of 1912

and is a lunatic who is believed to be dangerous

deemed to be a lunatic who is not under proper care and control

a lunatic who is cruelly treated or neglected by the person having the charge of him.

and whereas , son of

inhabitant of

applied to the magistrate that the said

may be delivered to my care :

I, abovenamed, hereby bind myself
 that on the said

being made over to my care, I will have the said
 properly taken care of and prevented from doing injury to himself
 or to others; and in case of my making default therein, I hereby bind
 myself to forfeit to the State the sum of rupees .

Dated this

day of

19 .

(Sd.)

(Where a bond with sureties is to be executed add) :

We do hereby declare ourselves sureties for the abovenamed
 that he will, on the aforesaid being made
 over to his care, have the said properly taken care of
 and prevented from doing injury to himself or to others; and in case
 of the said making default therein, we bind
 ourselves jointly and severally, to forfeit to the State the sum of
 rupees .

Dated this

day of

19 .

(Signature)

FORM VIII

Bond on the discharge of a lunatic from a hospital on the undertaking of relative or friend to take due care

(See section 33)

Whereas
son of _____, inhabitant of _____
_____ is a lunatic who is now detained in the hos-
pital at _____ under an order made by
the District Magistrate _____ of
the Sub-Divisional Magistrate _____
a Magistrate of the 1st class specially empowered under Act IV of 1912 under
section 14 (or section 15) of Act IV of 1912, and whereas I,
son of _____

inhabitant of _____,
have applied to the said Magistrate that the said
may be delivered to my care and custody.

I hereby bind myself that on the said _____
being made over to my
care and custody, I will have him properly taken care of and prevented
from doing injury to himself or to others; and in case of my making
default therein, I hereby bind myself to forfeit to the State the sum of
rupees _____.

Dated this _____ day of _____ 19 _____.

(Sd.)

(Where a bond with sureties is to be executed add) .

We do hereby declare ourselves sureties for the abovenamed _____
that he will, on the aforesaid _____ being
delivered to his care and custody, have the said _____
properly taken care of and prevented from doing injury to himself or to
others ; and in case of the said _____

making default therein, we bind
ourselves jointly and severally to forfeit to the State the sum of
rupees _____.

Dated this _____ day of _____ 19 _____.

Signature.

FORM IX

Magistrate's Statement of Particulars

(If any of the particulars in this statement are not known, the fact
to be so stated.)

1. Name of patient in full, and caste or race.
2. Name of patient's father.
3. Sex and age of patient.
4. Marks whereby the patient may be identified.
5. Married or single or widower.

6. Condition of life and previous occupation (if any).
7. Religion.
8. Place of birth and recent place of abode.
9. Whether homeless or living with relatives or friends.
10. Previous history and habits.
11. State of bodily health and whether fit to travel.
12. Whether any member of the patient's family has been or is affected with insanity.
13. Whether the attack is the first attack of insanity or not.
14. Age (if known) at onset of first attack.
15. Duration and nature of any previous attacks.
16. Duration of existing attack.
17. Symptoms exhibited.
18. Supposed cause of insanity.
19. Supposed exciting cause of present attack.
20. Whether subject to epilepsy.
21. Whether the patient is addicted to alcohol or the use of opium, ganja, charas, bhang, cocaine or other intoxicant.
22. Whether suicidal, and, if so, the grounds on which the statement is based.
23. Whether dangerous to others, and, if so, the grounds on which the statement is based.
24. Circumstances which led to the patient's arrest.
25. Whether capable (a) of taking care of himself, (b) of earning a livelihood.
26. Whether sufficient security is obtainable, and whether there are relatives able and willing to take care of him.

FORM X

Medical Officer's Certificate

I, the undersigned, hereby certify that I have noticed the following facts which came to my notice while
was under my observation :

(Sd.)

Civil Surgeon.

Dated

FORM XI

Abstract of Evidence or Information

(Sd.)

*Magistrate**Dated*

19

FORM XII

Abstract of Medical History

Name and sex—

Father's name—

Caste—

District—

Age—

Confined in

under section

since

Criminal Procedure Code.Act III of 1900.

Charged under section

Indian Penal Code.

Class*

Order with date under which confined—

Physical health—

Probable cause of insanity—

Type of insanity—

Duration of insanity and whether continuous, giving dates—

Has he at any times shown aggressive symptoms ?

If so, when and of what kind ?

If reported safe, how long since last manifestation of insanity ?

Is he subject to relapses ? If so, give dates.

Is he capable—

(a) of taking care of himself ?

(b) of earning a livelihood ?

How has he been employed while in jail ?

Recommendations.

(Sd.)

Designation.

* Class	A--	Criminal lunatics confined under section 466, Act V of 1898.		
Class	B--	Ditto	ditto	471, Act V of 1898.
Class	C--	Ditto	ditto	30, Act III of 1900.

FORM XIII

Nominal Roll

Number of jail register	Name, caste and occupation	Sex and age	Village, pargana and district	Section, Indian Penal Code, under which charged	Class A, B or C	Date of admission	Date of discharge, transfer or death	Number and date of order	
								For admission	For discharge
1	2	3	4	5	6	7	8	9	10

FORM XIV

Medical History-sheet (Case Book)

Date	Medical history	Treatment, diet, etc.

FORM XV

Certificate of Receipt of Lunatic

No.

Received charge of a lunatic

sent from

by order of the Magistrate of the district
made under section of the Indian Lunacy Act, 1912, under
charge of the police—vide his authority no.
dated

Superintendent, Mental Hospital.

FORM XVI

Certificate of Discharge of Lunatic

(See sections 31 and 32 of the Act)

Certified, that _____, an inmate of this hospital
admitted for treatment on the _____
vide order no. _____ from the Magistrate of _____
dated the _____ has been discharged
this day under section _____, Act IV of 1912.

(Sd.)

Superintendent, *Mental Hospital*
Jail

Dated the _____

19 _____

APPENDIX 19

(Referred to in paragraph 488)

RECORDING OF CONFESSIONS

(This has *also* been printed as Annexure IV-A to the Handbook for Criminal and Revenue Courts.)

1. Confessions may ordinarily be recorded in open Court and during court hours unless for exceptional reasons it is not feasible to do so.

2. In dealing with a confessing prisoner there are various points which the magistrate must invariably bear in mind—

(a) Before the magistrate proceeds to communicate with the accused, the court-room or any other place, when the confession is recorded, should be cleared of all police officers and the accused should be asked if he is satisfied that no police officer is present. In the case of a dangerous criminal it may not be possible to exclude all police officers from the place when a confession is being recorded. In that case care should be taken to see that such police officers are in no way connected with the investigation of the case or the arrest of the accused.

(b) Before recording a confession, the magistrate should inform the accused that he is in the presence of a magistrate empowered under law to record the confession. The magistrate must, as required by section 164 (3), explain to the accused that he is not bound to make a confession and that if he does so it may be used in evidence against him. The accused should also be informed that anything said by him will be taken down and may thereafter be used against him.

(c) It is the magistrate's duty to satisfy himself in every reasonable way that the confession is made voluntarily. The magistrate should record those questions and answers by means of which he satisfies himself that the confession is in fact voluntary. The magistrate should also enquire the reason why the accused is making the confession knowing that it may be used against him. The magistrate should ascertain if the accused is not making the confession under some threat, inducement or promise. The magistrate should ask the accused about the circumstances in which he was arrested and how he was kept in the lock-up and what treatment was meted out to him while he was in police custody. If the accused complains of police ill-treatment or any improper pressure, such complaints should be followed up by further questions in order to elucidate the circumstances in which the confession is being made. It should be made clear to the prisoner that the making of a statement or not is within his discretion, and any indications of the use of improper pressure should be investigated at once.

(d) Prior to recording his confession the accused should be assured that he need be under no fear of going back into the custody of the police and after his confession or statement has been recorded he should not be sent back to police custody.

(e) It is desirable that the magistrate should question a confessing prisoner with a view to ascertaining the exact circumstances in which his confession is made and the connection of the police with it ; or in wider form it should be the endeavour of the magistrate to record the confession in as much detail as possible with a view to affording material from which its genuineness can be judged, and to test whether it is freely made or is the outcome of suggestion. Anything like a cross-examination of the accused has been rightly deprecated by the courts, but it is important that, without any attempt at heckling or endeavour to entrap the accused, a magistrate should record his statement with as much detail as possible. The more detailed the confession is, the greater are the chances of correctly estimating its value, and it is also useful to know precisely how it came to be made, to what extent the police had anything to do with the accused prior to it, and in the confession itself, the fullest possible particulars of the incidents involved.

(f) The magistrate should add to the certificate required by section 164, Criminal Procedure Code, a statement in his own hand, of the grounds on which he believes that the confession is genuine, the precautions which he took to remove the accused from the influence of the police and the time, if any, given to him for reflection.

NOTE—It is not considered practicable to lay down a definite rule that no person should be produced for the record of his confession unless he has spent at least one night out of police custody, though the principle underlying this suggestion is sound. It is sufficient, however, to deprecate the immediate examination of an accused directly the police bring him before the magistrate and to emphasise the advisability of giving him, so far as possible, a few hours for reflection in circumstances in which he cannot be influenced by the police, before his statement is recorded.

APPENDIX 20

(Referred to in paragraph 497)

INSTRUCTIONS REGARDING IDENTIFICATION PROCEEDINGS

(This has *also* been printed as Annexure III to the Handbook for Criminal and Revenue Courts.)

A—Of accused persons

Evidence based on identification is either important and conclusive or absolutely useless ; hence it is of the utmost importance that proceedings should be properly conducted and entirely above suspicion. Unfortunately, however, the value of an identification is not infrequently completely destroyed by omission to take the necessary precautions and both magistracy and police should realise that such omissions are not only obviously unfair to the accused but may also result in guilty persons evading justice. The following instructions have, therefore, been drawn up to promote the proper conduct of identification proceedings and District Magistrates should see that they are observed by all officers concerned :—

(1) When prisoners for identification are admitted to the jail the Circle Inspector or senior police officer will inform the jailor at the time of admission or as soon thereafter as possible that identification proceedings will be held.

(2) On receipt of such information, the Superintendent of the Jail will issue instructions to prevent the prisoners being disguised or their appearances changed in such a way as to make recognition difficult ; such prisoners should be required to keep their hair in the same state until identification proceedings are held and they must not grow a beard if clean shaved or *vice versa*. During identification proceedings, the prisoners should ordinarily wear the same clothes as they were wearing at the time of admission unless the Magistrate who conducts the proceedings otherwise directs.

(3) The Magistrate who attends the identification will, of course, take charge of the proceedings and the jail officials will obey his orders. The prisoners to be identified should be placed among a number of other prisoners and should not be allowed to conceal their faces or stature so as to impede recognition.

In case the number of suspects is one or two, the number of other undertrials in the parade may generally be in the proportion of nine or ten per suspect. Where the number is larger they may be mixed in the proportion of not less than five undertrials per suspect. Care should, however, be taken to avoid unnecessarily long parades and this may be done by dividing up the suspects into two or three batches for identification. Care will, however, have to be taken that the same undertrials are not made to stand in more than one parade. So far as possible, there should be, in the parade for each suspect, a fair number of undertrials who have the same general appearance and belong to the same age

group. If any of the suspects has a beard or small-pox marks every endeavour should be made to get as many persons with similar beards or small-pox marks in the parade as possible. If any of the suspects is possessed of a scar, a mole, a pierced nose, pierced ears, a blinded eye, a split lip or any other distinctive mark efforts should be made to conceal it by pasting slips of papers of suitable size over it, similar slips being pasted at corresponding places on the faces of a number of other under-trials standing in different places in the parade, having the same general appearance and belonging to the same age group as the suspect.

(4) The question of clothing presents some difficulty ; ordinarily every prisoner should wear the clothes in which he was admitted in the Jail. There should be no attempt to disguise: prisoners should not be allowed to exchange clothing, and if a prisoner cannot wear his own clothes he should wear clothes of a similar kind ; that is to say if he is a field labourer he should not be dressed in the white clothes of a city man or *vice versa*. If, however, a prisoner is wearing some conspicuous garment such as a pink turban or a *razai* of a curious pattern the magistrate should consider whether the prisoner should be allowed to wear such garment to avoid the possibility of the witnesses making the identification on account of such distinctive mark.

(5) When a prisoner who is wearing fetters is to be identified the prisoners paraded with him should be selected from those who are wearing fetters. Conversely, if the prisoner to be identified is not wearing fetters none of those paraded with him should be wearing fetters. If a sufficient number of prisoners wearing fetters is not available to be mixed with the suspect wearing fetters, the legs of all prisoners in the identification parade should be covered up to the waist with blankets.

(6) The Magistrate conducting the identification must at the very time make a record of his proceedings. He should note therein whether the prosecuting inspector or any counsel was present at the proceedings, the precautions taken at the time of identification, the number of under-trials mixed with the accused and the result of the identifications made together with any other matter needing mention.

N. B.—The High Court have, in Chapter VIII, rule 9 of the General Rules (Criminal), prescribed Form No. 55 (H. C. J. XII-68) in which every identification proceeding of accused persons will be recorded. Magistrates should carefully read the form and invariably draw up the proceedings in accordance with it: particular care must be taken to ensure that the requirements of the memorandum prescribed in that form are completely fulfilled. The District Magistrate will ensure that sufficient copies of the form are always available for use at the District Jail and are also available with the Prosecuting Inspector.

The intention of these instructions is to assist in ensuring that identification proceedings shall afford a fair test, neither unduly severe nor unduly easy, of a witness's ability to identify an accused whom he is alleged to have seen before under circumstances connected with the commission of the offence. The effect of the instruction, if properly carried out, will be to render it difficult for an accused, by making

alterations in his personal appearance, to vitiate an honest attempt at identification. In the concluding portion of para. (2) above it is stated that during identification proceedings the prisoners should ordinarily wear the same clothes as they were wearing at the time of admission unless the Magistrate who conducts the proceedings otherwise directs. This discretion by magistrates must be retained, but it is important that the ordinary rule should not be deviated from without good reason and this should be impressed on all magistrates concerned.

B—Of property

1. Property to be identified should be sealed by the investigating officer in the presence of the persons who witnessed its recovery and who should then sign or affix their thumb-impressions on the wrapper containing the property in token that it was duly sealed in their presence. The seals affixed should thereafter be left intact and should only be broken when the parcel is opened by the magistrate at the time of conducting the identification.

When such property is received in the Sadar Police Malkhana the Prosecuting Inspector should make an entry in the Malkhana Register as to the seals and whether the package is intact. The seals must not be broken by him to ascertain particulars for entry in the Malkhana register as such entry can, when necessary, be made after proceedings are completed.

2. (1) In submitting his report for identification of property the investigating officer should clearly indicate what particular articles are expected to be identified by each witness and shall also furnish in respect of each article for identification such description as is available in order to enable the magistrate to instruct the tahsildar or contractor regarding the number, nature and kind of articles required to be mixed.

(2) In order that sufficient articles of the required description will be available on the date proceedings are held, the magistrate will in the first instance obtain from the tahsildar or contractor, as the case may be, a written report or intimation that the articles required will be forthcoming and the date by which they will be available. On receipt of such report or intimation, the magistrate will then fix a date, time and place for the proceedings.

(3) The District Magistrate should see that satisfactory arrangements have been made in the district for the supply of similar articles to be mixed with property to be identified. Where it is found that identification proceedings have to be frequently postponed owing to the inability or neglect of the contractor to produce suitable articles to be mixed, steps should be taken to remedy the matter, if necessary, by appointing any other suitable person to undertake those duties or by making other arrangements. It is essential that the tahsildar or contractor producing property to be mixed should be clearly instructed that all such property must be enclosed in a covering and sealed before being taken to the place where identification will be held and that the

property must be produced seal intact before the magistrate conducting the inquiry. It must be clearly understood that the person producing property to be mixed before the magistrate must be able to assure the latter that such articles had not been seen by the witnesses before the proceeding.

3. Attention is drawn to the requirements of the memorandum appended below the form for identification of property prescribed in Rule 63 of Chapter VIII of the General Rules (Criminal) and with which magistrates must comply when conducting proceedings. It should be borne in mind that it is essential to establish that neither the property nor that with which it has been mixed could have been shown to the witnesses before the proceedings. To assist magistrates conducting identifications the following more important points are noted for guidance :—

(a) The bundle or bundles of property to be identified produced by the court moharrir or other police officer should be sealed intact and the magistrate should note whether the wrapper bears any signatures or thumb-impressions in attestation of the seals.

(b) Note should be made whether the bundle or bundles of articles to be mixed produced by the tahsil or contractor are duly sealed and the tahsil official or the contractor bringing the bundles should be questioned so as to make sure that such articles have not been seen by the witnesses.

(c) The bundle should be opened and the articles mixed in the presence of the magistrate. He should note whether the articles mixed were similar in appearance to those for identification subject to any exception which should be noted.

(d) Witnesses should be kept outside at a distance and in such place that they cannot see what is going on : succeeding witnesses should not be able to communicate with or after identifying make signs to incoming witnesses.

(e) The signature or thumb-impression of each witness should be taken against his name after he has identified.

(f) The magistrate must be particularly careful to complete the form prescribed at the very time of identification and as it proceeds.

4. Unless there is special reason to do so, it is ordinarily unnecessary to hold identification proceedings of property—

(a) in cases where there is no possibility that the articles recovered will be claimed by the accused, or

(b) where the property to be identified is so clearly described in a report previously made as to establish its identity and

(i) is either of such a distinctive nature that it will not be possible to obtain like articles of similar description to be mixed for identification, or

(ii) where similar articles cannot be obtained within a reasonable period of time.

Thus where a special kind of article bearing particular marks is so described in the first information report, it would in such case be ordinarily unnecessary to hold identification proceedings as the very marks described would be sufficient to identify the article.

APPENDIX 21

(Referred to in paragraph 585)

RULES FOR REGULATING THE ESCORT OF PRISONERS TO AND FROM COURTS IN WHICH THEIR ATTENDANCE IS REQUIRED AND FOR THEIR CUSTODY DURING THE PERIOD OF SUCH ATTENDANCE.

1. The duty of escorting prisoners to and from the court in which their attendance is required shall be performed by the Police.

Notification
no. 853/
XXII—738.
53, dated
April 7, 1954.

2. The strength of the escort shall be as follows on ordinary occasions :

Strength

Number of prisoners				Head constables	Constables
1 to 3 prisoners	..	..	..	..	2
4 to 6 prisoners	..	..	..	..	3
7 to 10 prisoners	..	..	..	1	4
11 to 15 prisoners	.	..	..	2	5
16 to 25 prisoners	..	..	..	2	8
26 to 50 prisoners	..	..	..	3	10

Provided that when undertrial prisoners are excused from wearing handcuffs, the strength of their escort shall be two constables for each undertrial prisoner with head constables as in the scale above except for journeys made in police vans when the usual strength of escort may suffice.

Provided further that where an escort is required of a notorious criminal, a special guard as may be prescribed in the Rules for Guards and Escorts will be supplied.

3. In escorting prisoners by road the escort commander shall :

(1) keep all prisoners under his charge together in one compact body ;

(2) place all police under his charge in order at a distance of at least five paces from the prisoners on each flank and place himself and half the force in the rear ;

(3) never travel at night unless absolutely necessary and previously authorised ;

(4) regulate marches so as, if possible, to locate prisoners at night in a lock-up or in the interior of a police station or other place of security.

4. The following rules shall regulate the handcuffing and fettering of convicted prisoners and undertrial prisoners while travelling by rail or road :

A—Convicted Prisoners

(a) *Handcuffs*—Handcuffs shall be imposed on convicted prisoners when travelling by rail or road in accordance with the following rules :

(1) Male prisoners in the superior class, who have been sentenced to more than two years' rigorous imprisonment, shall be handcuffed ;

(2) Other prisoners in the superior class shall not be handcuffed unless the Superintendent of Police for special reasons to be recorded in writing orders otherwise.

(3) Male prisoners in the ordinary class shall ordinarily be handcuffed.

(4) Female prisoners shall not be handcuffed unless it is essential to prevent escape, violence or suicide ; where handcuffs are imposed on such prisoners, reasons therefor shall be recorded in writing by the senior police officer at headquarters.

Provided that any general or special orders issued by the State Government from time to time in regard to the handcuffing of any particular prisoner or class of prisoners shall be followed.

(b) Fetters—

(1) Convicts in the superior class who have been sentenced to not more than two years' rigorous imprisonment shall, when travelling by rail or road, wear neither fetters nor cross-bars unless the Superintendent of Police for special reasons, to be recorded in writing, requires the imposition of the either or the both. Such prisoners may be allowed to wear their own clothes in transit if they so desire.

(2) When travelling by rail or road other convicts, except juvenile convicts on transfer to a Reformatory School, when convicted of any of the offences specified below shall wear fetters and, if considered necessary either by the Superintendent of Jail or the Superintendent of Police, cross-bars also :

Offences punishable under sections 224, 225-B, 302, 303, 304, 307, 308, 392 to 402, Indian Penal Code.

(3) Female prisoners shall not wear fetters or cross-bars.

(4) The Superintendent of Jail in applying for the police escort shall enter in the requisition form the name, offence, sentence and classification of any convict whom he does not propose to fether and who has been allowed to wear private clothes.

B—Undertrial Prisoners

(1) In the case of undertrial prisoners requisitioned by the police for attendance in court or before a magistrate or under the authority of a competent magistrate for any other purpose the responsibility for deciding as to which undertrial prisoners are to be handcuffed or fettered or both, and for seeing that the decision is carried out shall rest with police authorities.

Provided that undertrial prisoners charged with offences shown in the following schedule shall not be handcuffed when in transit by rail or road or from or to courts unless there is reasonable ground for apprehending escape, violence or suicide and where possible, the orders of the Superintendent of Police or of any other senior police officer at the headquarters have been taken with the reasons for imposing handcuffs.

Provided further that all undertrial prisoners charged with offences other than those specified in the schedule below, shall be handcuffed when in transit if there is reasonable ground for apprehension that handcuffs are necessary to prevent escape, violence or suicide.

Provided further that any general or special orders issued by the State Government from time to time in regard to the handcuffing of any particular prisoner or class of prisoners shall be followed.

Schedule

Indian Penal Code—Chapter VA, VI and VIII, sections 153A to 160, Chapter IX except sections 170 and 171, Chapters IXA and X, Chapter XI except sections 216A, 224, 225, 225B and 226, Chapters XIII, XIV and XV, sections 312 to 316, 323, 334 to 338, 341 to 352, 355 to 358, sections 384 to 389, 403, 404, 421 to 434, 447 and 448, Chapters XVIII, XIX, XX, XXI and XXII, all non-cognizable offences.

Code of Criminal Procedure—Persons against whom proceedings under section 108 are in progress.

Other Acts—All non-cognizable offences.

(2) All undertrial prisoners handcuffed shall, as far as possible, be kept separate from those not handcuffed when escorted to and from jail.

(3) In court, handcuffs of undertrials shall invariably be taken off unless the presiding officer directs otherwise.

(4) In the case of undertrial prisoners charged with murder, fetters shall not be imposed when in transit to courts at the headquarters of the district, unless the prisoner concerned is also charged with some other crime of violence, or is known to be a dangerous or hardened criminal.

(5) Fetters shall not be imposed on undertrial prisoners in transit, except in the case of those charged with murder or dacoity and unless there are special reasons for doing so, to be recorded in writing by the senior police officer at headquarters.

(6) Female undertrial prisoners shall not be handcuffed unless it is essential to prevent escape, violence or suicide : where handcuffs are imposed, reasons therefor shall be recorded in writing by the senior police officer at headquarters.

5. The Public Prosecutor shall arrange for the production of undertrial prisoners before courts on the proper dates, and for their safe escort to and from the courts. When the attendance of undertrial prisoners is required at courts, he shall send to the Superintendent of

Jail concerned a list of such prisoners and shall give clear directions on the list as to which prisoners are in his opinion to be handcuffed or fettered or both, and whether cross-bars are also necessary in any case. The Public Prosecutor shall also determine the strength of the escort with reference to the scale given in rule 2 above and with due regard to the character of the prisoners and the number of courts in which they are to be produced. The Public Prosecutor shall apply to the Reserve Inspector for the necessary number of police. Where he considers that the escort should be wholly or partly armed with muskets, he shall obtain the orders of the Superintendent of Police or, in his absence, of the senior police officer at headquarters.

6. The Public Prosecutor shall furnish the escort commander with two copies of the list of prisoners in the prescribed police form No. 278 or, if possible, he shall also send one copy to the Superintendent of Jail on the evening preceding the day on which the prisoners are required. The escort commander after making the search of the prisoners and satisfying himself that the directions with regard to fetters, etc., have been carried out and also personally complying with the directions with regard to handcuffs, etc., shall sign one copy of the list which shall be retained by the jail authorities concerned.

7. From the time of the delivery of the prisoners the responsibility for their safe custody shall rest with the escort commander until their return to the jail, and endorsement by the jailer of a certificate on the list to the effect that the prisoners have returned in security to the jail or have not returned owing to good and sufficient cause. The Public Prosecutor shall make such additions and alterations as may be necessary in the list before the prisoners are returned to jail.

8. Prisoners whom it is necessary to handcuff shall be handcuffed before leaving the jail. The handcuffs shall not be removed except when the prisoners are before the court or confined in a place of security.

9. Convicted prisoners and undertrial prisoners in the court of a magistrate in camp shall be kept at night in the lock-up of a police station, if there is any such station within five miles. When they are kept at night elsewhere other than in a lock-up, they shall be fastened to each other by chains which should be procured by the escort commander from the jail before departure. When prisoners in a weak state of health have to be provided with conveyance, a doli may ordinarily be provided for such prisoners.

The escort commander in charge of the prisoners is responsible, subject to the orders of the magistrate, for their protection from the weather and for their transport and food.

10. Prisoners shall be escorted to the courts and back again to the jail by the nearest route, but as far as possible, bazars and crowded thoroughfares should be avoided.

11. When female prisoners are produced in courts, they shall not be sent along with the ordinary *havalat* guard ; a separate guard shall be provided.

12. Where jails are situate at a distance from courts, prisoners will ordinarily be conveyed to and from courts in Government vehicles, unless it is not possible to supply such a conveyance.

Any prisoner who wants to travel in a separate conveyance and is willing to pay for himself as well as for his escort, may be permitted by the Public Prosecutor to do so, provided suitable arrangement can conveniently be made.

13. All prisoners whose cases have been disposed of and who have to be sent back to the jail shall, as far as may be possible, be sent there without being kept waiting for others.

14. The Public Prosecutor shall apply to the Reserve Inspector for an additional guard, if the guard in attendance is not sufficient.

15. In the case of prisoners whose testimony is required in criminal trials the charges on account of the dieting of the prisoners during their retention in the custody of the police guard, or on account of any travelling expenses incurred by the guard for their own journey or for that of the prisoners to or from the court concerned, will be defrayed by the Police Department. But it shall be in the competency of any court in criminal cases to decline to summon any prisoner if the court is satisfied that his evidence is not necessary in the interest of public justice, and if the complainant or defendant applying for the said prisoner's examination before the court fails to deposit the estimated cost of conveying the prisoner to and from the court. These costs shall be calculated on the scale hereinafter laid down in the case of civil suits ; if on examination of the said prisoner the court is of the opinion that his evidence was not required in the interest of public justice, the deposited costs shall, together with a certificate to the effect under the hand and seal of the court, be forwarded to the Superintendent of Police of the district in which the court is held, and the money shall be credited according to the instructions to be issued by the Inspector General of Police with the sanction of the State Government.

16. In civil suits (including also all rent suits and all proceedings arising in the execution of decrees) the court shall require any party to the suit, who may apply for the summoning of any prisoner under the Prisoners Act, 1900, to deposit prior to the issue of the summons, an amount sufficient to defray the estimated cost of conveyance, diet, and escort of the prisoner whose testimony is required.

Provided that no costs shall be demanded from pauper judgment-debtors in jail who have applied to be declared insolvent under section 6 of the Provincial Insolvency Act, 1920, and whose attendance is required by a civil court at its own instance for examination under section 14 of the said Act, or when the court is satisfied that the parties to the suit are absolutely unable to pay.

Such costs shall be calculated as follows :

- | | | |
|--------------------------------|-------|--|
| (a) Conveyance by rail or road | .. | Actual charges as in rule 15. |
| (b) Diet | | Annas 8 per day when escorting in the plains and annas 12 when escorting in the hill tracts. |

Police Escort

Travelling and Daily allowance	..	According to rules 23 and 27 of the Financial Handbook, Volume III.
Pay of escort		.. According to paragraph 158 of the Office Manual in which the rates are as follows :
		Inspectors, Rs.12 per day.
		Sub-Inspectors, Rs. 8 per day.
		Head Constables, Rs. 5 per day.
		Constables, Rs.3 per day.

The money thus deposited shall be paid over by the court to the Superintendent of Police as provided for in rule 15.

NOTE—The above rules shall, *mutatis mutandis*, be applicable in the cases of those prisoners also who are sent for to answer charges made against them, as well as in the cases of prisoners who are sent for to give evidence in criminal trials :

Provided that in both classes of cases aforesaid, the Police Department shall bear the charges of dieting the prisoners and of conveying them to and from the courts, which require their presence.

APPENDIX 22

(Referred to in paragraph 590)

**RULES REGULATING APPLICATIONS AND PAYMENT FOR THE SERVICES
OF THE GOVERNMENT EXAMINER OF QUESTIONED DOCUMENTS**

1. Applications should be sent direct to the Government Examiner of Questioned Documents, Intelligence Bureau, Ministry of Home Affairs, "Dormers", Simla-1.

Government
of India
letter no.
41/3/50.
Police-II,
dated July
6, 1953.

2. (i) Applications received direct from private individuals will not be entertained.

(ii) Applications received from Police Officers below the rank of Superintendent of Police will not be entertained.

3. Acceptable applications fall into two classes :

A. Official applications from—

(i) State Governments (including Part C States) and Offices subordinate to them ;

(ii) Presiding officers of Criminal Courts (including Sessions Courts) ; High Court ; Courts Martial, etc. ;

(iii) Ministries of Government of India and their attached and subordinate offices ;

(iv) Railway administrations under the Ministry of Railways (Railway Board) ;

B. Other applications. These include—

(i) Cases from private parties in civil suits in Indian Union Courts. These will be accepted only on application from the court in which the case is being heard. The party concerned must move the court and it will rest with the court to take further steps necessary to obtain the services of the Government Examiner of Questioned Documents.

Explanation—Reference made by a court *suo moto* in civil cases in which the State is not a party will be deemed to be cases from private parties for the purposes of these rules.

(ii) Cases from Municipal Corporations, District Boards, Municipalities, and other local bodies and from Universities, Railway Administrations (not under the Ministry of Railways of the Government of India), from autonomous Corporation and quasi-Government Bodies, e.g., D.V.C., D.T.S., etc., with Indian Union.

Applications from recognised Universities will be received direct. Applications from Railway Administrations (not under the Ministry of Railways, Government of India) should be submitted through the Agent of the Railway concerned. Applications from Municipal Corporations will be received direct but from other local bodies will be accepted only if received through the local District Magistrate who should satisfy himself, before forwarding the applications, that it is desirable that the Government Examiner of Questioned Documents should be consulted.

(iii) Complaint cases, Revenue cases, Tenancy Act cases, and other miscellaneous Act cases from Indian Union Courts.

Those cases will be accepted only if forwarded by presiding officers of courts.

4. Applications falling under classes A and B will ordinarily be accepted but may be refused at the discretion of the Government Examiner of Questioned Documents if they cannot be undertaken without detriment to his other work.

5. An inclusive fee will be charged in each case in which an opinion is given and will normally cover the opinion, the cost of photographs and the giving of evidence, limited in class B cases to one day. The inclusive fee for class A cases (*see* rule 3) will be Rs. 220 and for class B cases Rs. 250. (This fee does not cover travelling allowance which is governed by rule 15 below).

6. Subject to the exception stated at the end of this rule, the fee is payable in advance in all cases and each application should be accompanied by a certificate in the following form :

“Certified that a sum of rupees two hundred and twenty (Rs. 220)
two hundred and fifty (Rs. 250)
has been deposited in the Treasury
on.....on account of the Government Examiner
of Questioned Documents fee in case/suit no.....
and that this amount has been shown under head XLVI—
Miscellaneous—Central—Other Fees, Fines and Forfeitures, Fees
for the Services of the Government Examiner of Questioned
Documents, in the Cash Account of Central subjects for
the month of.....and appears at item no.
.....in the relevant Receipt Schedule.

Signature of the Treasury Officer.

Countersigned.

Signature of Officer submitting the case”.

In special circumstances, which should be stated in applications, class A cases will be accepted without this certificate, but the certificate, should be forwarded as soon as possible.

7. In cases where the cost of photographs is exceptionally heavy, the fee will be Rs. 180 *plus* actual cost of the photographs in Class A cases and in class B cases, Rs. 200 *plus* the actual cost of the photographs.

In class B cases, the authority submitting the case will be informed of the extra cost involved before it is incurred and will be required to certify that it has been deposited before the Government Examiner of Questioned Documents proceeds with the case.

8. A.—No fees are chargeable by the Government Examiner of Questioned Documents for the cases investigated by the Special Police Establishment and also for cases arising in—

- (i) the main Ministries of the Central Government, ...
- (ii) their attached offices, and

(iii) Part C States who have *no* Consolidated funds of their own within the meaning of section 39 of the Government of Part C States Act, 1951 (No. XLIX of 1951).

B.—Fees are, however, chargeable in all other cases.

9. (i) In cases in which no opinion is given but photographs are taken, only the actual cost of the photographs will be charged, subject to a minimum of Rs. 35.

(ii) In cases in which examination has been completed but no opinion could be expressed, a consolidated fee of Rs. 100 will be charged.

10. No reduction in the fee will be allowed if evidence is not required or is taken on Commission.

11. (i) In class B cases, an additional fee of Rs. 200 will be charged for each day after the first day on which evidence is given, whether in court or on commission, or on which the officer is detained. The Presiding Officer or the Commissioner will be requested to certify, before the second and each subsequent day's work is begun, that the fee for that day and also for any intervening day or days of detention has been deposited, and subsequently to furnish a certificate in rule 6 above.

(ii) A fee of Rs. 250 will be charged in a civil suit even for the first day's evidence if evidence is taken upon an opinion expressed on the same documents when they formed part of a criminal case.

12. In cases falling under class B, the Government Examiner or his Assistant will be prepared to attend courts, provided that he can do so without detriment to his other work. When evidence is taken on Commission, the Commission should be issued to the Senior Sub-Judge, Simla, and normally should be so worded that either the Government Examiner or his Assistant can give evidence.

13. Presiding Officers of courts are requested to detain the Government Examiner of Questioned Documents or his Assistant for the least possible time compatible with the requirements of the case. They are also requested to accept, so far as possible, the time and dates for attendance offered by these officers because the latter frequently have to attend several courts in the course of one tour.

14. The Government of India in the Ministry of Home Affairs reserve the right to impose an extra charge in any case in which they consider that the usual fee is incommensurate with the time and labour spent on the case.

15. When the Government Examiner of Questioned Documents or his Assistant is required to travel in order to give evidence or for any other purpose, the authority or party employing his services will be required to pay travelling allowance at the rates laid down for first grade officers in the Supplementary Rules of the Government of India for journeys on tour. Travelling allowances will also be payable for the Class IV servant accompanying the officer at the rates fixed for Government of India Class IV servants. These payments will be adjusted as directed in the Home Department (now Ministry of Home Affairs) letter no. F. 128/VII/27-Police, dated the 12th. January, 1928 (*see* Schedule below).

In class B cases, the presiding officer of the court concerned will be required to certify that the cost of travelling allowance has been deposited before the Government Examiner of Questioned Documents or his Assistant undertakes the journey.

Schedule referred to in Rule 15

Procedure for the payment and audit of travelling allowances drawn by the Government Examiner of Questioned Documents or his Assistant during tours vide Home Department letter no. F. 128/VII/27-Police, dated the 12th January, 1928).

1. (1) The Examiner or his Assistant should submit his travelling allowance bills to the Accountant General, Central Revenues, for audit and payment.

(2) As soon as a journey is completed, that is, in respect of any complete journey from headquarters to headquarters, the Examiner or his Assistant should send a statement to the Accountant General, Central Revenues, showing the total amount of travelling allowance claimed or drawn and the distribution of the entire amount among the various courts for recovery.

(3) In cases where several courts are attended, the cost should be distributed between them in proportion to the distance by rail from headquarters.

(4) As the travelling allowance is debitable to the various local Governments or the parties concerned the recoveries should be treated as follows :

(i) Recoveries from the various local Governments should be taken in reduction of expenditure, provided they are effected within the accounts of the same year, if not, they should be shown as receipts ; and

(ii) Recoveries from parties such as local boards, local bodies and private persons should be taken as receipt.

2. The principles laid down above apply to the payment and audit of the travelling allowance of the peon accompanying the Examiner or his Assistant.

3. If after the Examiner or his Assistant has actually commenced a tour, intimation is received from a court included in the tour to the effect that his evidence would not be required on the date originally fixed, the court shall pay the difference between the total expenditure actually incurred on the tour and the expenditure that would have been incurred if attendance in that court had not been included in the tour. This shall be specifically made clear when the bill is sent to the court for acceptance.

4. The Examiner and his Assistant shall observe the provisions of Supplementary Rule 30 when they frame their programme for tour.

APPENDIX 23

(Referred to in paragraph 593)

**RULES FOR REPORTING AND INQUIRING INTO RAILWAY ACCIDENTS
UNDER SECTION 84 OF THE INDIAN RAILWAYS ACT, 1890**

Railway Department

(Railway Board)

NOTIFICATION

New Delhi, the 19th March, 1930

No. 1926-T.—In exercise of the powers conferred by the notification of the Government of India in the Department of Commerce and Industry no. 801, dated the 24th March, 1905, and in pursuance of section 84 of the Indian Railways Act, 1890 (IX of 1890), the Railway Board are pleased, in supersession of the rules published with their notification no. 120-T-18, dated the 21st March, 1923, to make the following rules namely :

Notices

1. The notices mentioned in section 83 of the Indian Railways Act, 1890 (IX of 1890) (hereinafter in these Rules referred to as "the Act") shall contain the following particulars, namely :

- mileage or station or both, at which the accident occurred ;
- time and date of the accident ;
- number and description of the train or trains ;
- nature of the accident ;
- number of people killed or injured, as far as known ;
- cause of the accident, as far as known ;
- probable detention to traffic ;

2. When any accident such as is described in section 83 of the Act occurs in the course of working a railway, the Station Master nearest to the place at which the accident has occurred, or where there is no Station Master, the railway servant in charge of the section of the railway on which the accident has occurred, shall give notice of the accident by telegraph to the Government Inspector, the District Magistrate and the District Superintendent of Police of the district in which the accident has occurred or such other Magistrate or Police officer as may be appointed in this behalf by the State Government, to the Superintendent of Railway Police and to the officer-in-charge of the police station within the local limits of which it has occurred.

Explanation.—For the purposes of this rule accidents of a description usually attended with loss of human life are meant to include all accidents to passenger trains such, for example, as slight collisions, derailments, train-wrecking or attempted train-wrecking, cases of running over obstructions placed on the line, of passengers falling out of trains or of fires in trains, in which no loss of life or grievous hurt as defined in the Indian Penal Code, or serious injury to property has actually

occurred but which by the nature of the accident might reasonably have been expected to occur ; also case of landslides, or of breaches by rain or flood, which cause the interruption of any important through line of communication for at least 24 hours.

NOTE—The State Government have, in G.O. no. 897/VI—53, dated July 4, 1953, required intimation to be given to the undernoted officers, as below, in all serious cases of railway accidents occurring within the State :

- | | | |
|---|----|---|
| (1) Superintendent of Police of the district | .. | By telegram. |
| (2) Section Officer, Government Railway Police | .. | By telegram followed by telephone, if possible. |
| 3) Inspector, C. I. A., in whose jurisdiction the accident has occurred | | By telegram followed by telephone, if possible. |
| (4) Officer-in-charge of the district Police Station | .. | By telegram. |
| (5) Officer-in-charge of the Government Railway Police, if the accident has occurred in his jurisdiction. | | By telegram followed by telephone, if possible. |

3. The notice of accidents required by section 83 of the Act to be sent without unnecessary delay by the Railway Administration to the State Government shall be sent as follows :

(a) By telegram in the case of—

(i) accidents deemed under the Explanation to Rule 6 to be serious by reason of loss of human life ;

(ii) accidents by reason of which the permanent way is likely to be blocked for more than 12 hours ; and

(iii) cases of supposed train-wrecking or attempted train-wrecking ; and

(b) By letter in all other cases.

NOTE—(i) All accidents which are serious by reason of loss of life or injuries, whether the accident be caused to or by a train, are to be reported without unnecessary delay to the State Government concerned ;

(ii) Cases in which either passengers or trespassers are run over and killed or injured through their own carelessness, need not be reported to State Government by telegram ; but such cases should continue to be reported by letter in accordance with clause (b) of rule 3 of the Railway Board's notification no. 1926-T, dated March 19, 1930.

Duties of railway servants

4. Every railway servant shall report, with as little delay as possible, every accident occurring in the course of working the railway on which he is employed which may come to his notice. Such report shall be made to the nearest Station Master, or, where there is no Station Master, to the railway servant in charge of the section of the railway on which the accident has occurred.

5. The Station Master, or the railway servant in charge of the section, shall report the accident in accordance with the detailed rules laid down by the railway concerned for the reporting of accidents.

Duties of District Traffic Officers

6. Whenever a serious accident occurs, the District Traffic Superintendent concerned shall supply by telegraph to the press as soon after the accident as possible brief particulars, as far as these are available as prescribed in rule 1, supplementary telegrams, if neces-

sary, being despatched immediately further information is available. A copy shall be sent simultaneously by "Express" telegram to the Railway Board and the Government Inspector. In stating the cause of the accident the District Traffic Superintendent shall avoid making any statement the correctness of which may subsequently be questioned.

Explanation.—For the purposes of this rule every accident to a train (whether carrying passengers or not) which is attended with loss of human life or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property, which is roughly estimated to cost, say, Rs. 10,000 or over, also every accident, such as a landslide, breach by rain or flood, derailment, etc., which causes the interruption of any important through line of communication for at least 24 hours, shall be deemed to be a serious accident. For the purposes of this rule cases of trespassers run over and injured or killed through their own carelessness or of passengers injured or killed through their own carelessness shall not be deemed to be serious accidents.

Duties of the Government Inspector appointed under section 4, sub-section (1), of the Indian Railways Act, 1890 (IX of 1890)

7. (1) Whenever the Government Inspector receives notice under section 83 of the Act of the occurrence of an accident, which he considers, of a sufficiently serious nature to justify such a course he shall, as soon as may be, notify the Railway Board and the Agent or Manager of the Railway concerned, of his intention to hold an enquiry and shall at the same time fix and communicate the date, time and place for the enquiry.

(2) For the purpose of this rule every accident to a train carrying passengers which is attended with loss of human life, or with serious injury to persons, or to property of the value of approximately Rs. 10,000 or upwards, and any other accidents which in the opinion of the Government Inspectors, requires the holding of an enquiry, shall be deemed to be an accident of a sufficiently serious nature to require the holding of an enquiry.

(3) When an accident, requiring the holding of an enquiry occurs at a station where the charges of two or more Government Inspectors meet, the duty of complying with this rule shall devolve on the Government Inspector within whose jurisdiction lies the railway working the station which is the scene of the accident.

(4) If, for any reason, the Government Inspector is unable to hold an enquiry, at an early date after the occurrence of such an accident, the Agent or the Manager of the Railway concerned shall, on request by the Government Inspector, forward to him, with as little delay as possible, the proceedings of the joint enquiry which has been made under rule 18. The Government Inspector shall advise the Railway Board of the reason why an enquiry has not been held by himself. If the Government Inspector, after examination of the joint enquiry

proceedings, considers that an enquiry should be held by himself, he shall, as soon as possible, notify the Railway Board and the Agent or Manager of the Railway concerned, of his intention to hold an enquiry and shall at the same time fix and communicate the date, time and place for the enquiry.

Government
of India
Notification
no. 1926-T,
dated July
30, 1930.

8. Whenever the Government Inspector has made an enquiry under rule 7, or when he disagrees with, or considers it necessary adversely to criticise the report of the joint or departmental enquiry or the working of the railway, he shall submit a report in writing to the Railway Board and, in the case of a railway under the control of a State Government or Administration to such State Government or Administration also; and shall forward a copy of such report to the Agent or Manager of the Railway concerned, and, if a magisterial enquiry is being made, to the Magistrate who is making such enquiry.

9. (1) In the case of all accidents of the nature described in sub-rule (2) of rule 7, a preliminary brief narrative report shall be submitted by the Government Inspector to the Railway Board immediately after the completion of his enquiry. This report shall not contain any reference to persons implicated. The report, referred to in rule 8, shall be submitted in the form adopted by the Inspecting Officers of the Board of Trade and shall contain—

- (a) a brief description of the accident;
- (b) a description of the locality of the accident;
- (c) a detailed statement of the evidence taken;
- (d) the conclusions arrived at;
- (e) an appendix stating the damage done;
- (f) (when necessary) a sketch illustrative of the accident.

(2) Reports, in connection with accidents which, although coming under section 83 of the Act, are not accidents of the nature described in sub-rule (2) of rule 7, will be submitted to the Railway Board only if in the opinion of the Government Inspector, they contain features of special importance or requiring special notice. When the Government Inspector recommends the publication of such a report, it shall be in the form adopted by the Inspecting Officers of the Board of Trade; when not recommended for publication, it may be in the form of a letter explaining, as briefly as possible, the special features which the Government Inspector desires to bring to notice.

10. If the Agent or Manager makes any remarks on the Government Inspector's report under rule 16 and 17 or expresses an intention to do so, the Government Inspector shall inform the Railway Board and the Local Government or Administration controlling the railway, of the steps which have been or are proposed to be taken by the railway administration to prevent a recurrence of similar accidents, and whether, in his opinion, further action in the matter is desirable.

11. The Government Inspector shall, as far as possible, assist any Magistrate making an enquiry under rule 22 or a judicial enquiry whenever he may be called upon to do so.

12. Nothing in the rules shall be deemed to limit or otherwise affect the exercise of any of the powers conferred on Government Inspectors by section 5 of the Act.

Duties of the Agent or Manager and of the Head of the Department concerned

13. Whenever any accident has occurred in the course of working a railway, the Agent or Manager shall give all reasonable aid to the District Magistrate or the Magistrate appointed or deputed under rule 22, and to the Government Inspector, Medical Officers, the Police, and others concerned to enable them promptly to reach the scene of the accident, and shall assist those authorities in making enquiries and in obtaining evidence as to the cause of the accident.

14. Whenever any accident, occurring in the course of working a railway, has been attended with grievous hurt, as defined in the Indian Penal Code, it shall be the duty of the Agent or Manager to afford medical aid to the sufferers, and to see that they are properly and carefully attended to till removed to their home or handed over to the care of their relatives or friends. In any such case, or in any case in which any loss of human life or grievous hurt, as defined in the Indian Penal Code, has occurred, the nearest local medical officer should be communicated with, if he is nearer than any railway medical officer.

15. When any enquiry, under rule 7 or rule 22, or any judicial enquiry is being made, the Agent or Manager shall arrange for the attendance, as long as may be necessary, at the office or place of enquiry, of all railway servants whose evidence is likely to be required. If the enquiry is to be held by the Government Inspector under rule 7, the Agent or Manager shall cause notice of the date, hour and place at which the enquiry will begin to be given to the officers mentioned in clauses (a) and (c) of rule 19. He shall also arrange for the attendance of the district officers at the enquiry.

16. Whenever the Agent or Manager receives a copy of the Government Inspector's report under rule 8 he shall at once acknowledge its receipt. If he differs from the views expressed in the report, he shall at the same time submit his remarks thereon, or, if he is not immediately able to do so, he shall, in his acknowledgment of the report, inform the Government Inspector of his intention to submit his remarks later. If the Agent or Manager desires to prosecute any person or persons, he shall immediately forward a copy of the report, together with a statement of the persons he wishes to prosecute, to the District Magistrate of the district in which the accident occurred, or to such other officer as the State Government may appoint in his behalf.

17. Whenever the report of the Government Inspector points to the necessity for or suggests a change in any of the rules or in the system of working, the Agent or Manager shall, when acknowledging the report, intimate the action which has been taken, or which it is proposed to take, to prevent a recurrence of similar accidents, or shall inform the Government Inspector of his intention to report further on the Government Inspector's proposals.

18. (1) Whenever an accident, such as is described in section 83 of the Act, has occurred in the course of working a railway, the Agent or Manager shall cause an enquiry to be promptly made by a committee of railway officers (to be called a "joint enquiry") for the thorough investigation of the causes which led to the accident :

Provided that such enquiry may be dispensed with—

(a) if an enquiry is to be held by the Government Inspector under rule 7 ;

(b) if the accident has not been attended with loss of human life, or with grievous hurt as defined in the Indian Penal Code or with serious injury to property ; or

(c) if there is no reasonable doubt as to the cause of the accident ; or

(d) if one department of the railway intimates that it accepts all responsibility in the matter.

(2) Where such enquiry is dispensed with, it shall be the duty of head of the department of the railway responsible for the accident to make such enquiry (to be called a "departmental enquiry") as he may consider necessary and if his staff or the system of working is at fault, to adopt or suggest such measures as he may consider expedient for preventing a recurrence of similar accidents.

19. (1) Whenever a joint enquiry is to be made, the Agent or Manager shall cause notice of the date and hour, at which the enquiry will commence, to be given to the following officers, namely :

(a) the District Magistrate of the district in which the accident occurred, or such other officer as the State Government may appoint in this behalf, the Superintendent of Railway Police and the District Superintendent of Police ;

(b) the Government Inspector for the section of the railway on which the accident occurred ; and

(c) the officer-in-charge of the railway police, or if there are no railway police, the officer-in-charge of the police station in the jurisdiction of which the accident occurred.

(2) The date and hour at which the enquiry will commence shall be fixed so as to give the officers mentioned in sub-rule (1) sufficient time to reach the place where the enquiry is to be held.

20. (1) As soon as any joint or departmental enquiry has been completed, the President of the Committee or the head of the department, as the case may be, shall send to the Agent or Manager a report which in the case of all accident of the nature described in the explanation to rule 6 must be submitted in the form prescribed by sub-rule (1) of rule 9.

(2) The Agent or Manager shall forward, with his remarks as to the action it is intended to take in regard to the staff responsible for the accident, or for the revision of the rules or the system of working, a copy of such report :

(a) to the Government Inspector for the section of the railway on which the accident occurred ;

(b) if no enquiry or investigation has been made under rule 22 or if a joint or departmental enquiry has been held first, to the Magistrate or officer appointed under clause (a) of sub-rule (1) of rule 19 ; and

(c) if any judicial enquiry is being made, to the Magistrate making such enquiry.

(3) Such copy shall be accompanied in the case referred to in clause (b) of sub-rule (2), by a statement of the persons, if any, whom the Agent or Manager desires to prosecute, and in the case referred to in clause (c) of the same sub-rule, by a copy of the evidence taken at the enquiry.

21. A copy of reports of inquiries held on accidents not of the nature specified in section 83 of the Act, such as averted collisions, technical accidents, or breaches of block rules, shall be forwarded to the Government Inspector for the section of the railway on which the accident occurred.

Duties of Magistrates

22. Whenever an accident such as is described in section 83 of the Act, has occurred in the course of working a railway, the District Magistrate, or any other Magistrate, who may be appointed in this behalf by the State Government, may, either—

(a) himself make an enquiry into the causes which led to the accident ; or

(b) depute a subordinate Magistrate, who, if possible, should be a Magistrate of the first class, to make such an enquiry ; or

(c) direct an investigation into the causes which led to the accident to be made by the police.

23. Whenever it is decided to make an enquiry under clause (a) or clause (b) of rule 22, the District Magistrate or other Magistrate appointed as aforesaid or the Magistrate deputed under clause (b) of rule 22, as the case may be, shall proceed to the scene of the accident and conduct the enquiry there, and shall at once advise the Agent or Manager of the Railway and the Government Inspector by telegraph of the date and hour at which the enquiry will commence so as to enable the railway administration to summon the requisite expert evidence.

24. A Magistrate, making an enquiry under rule 22, may summon any railway servant, and any other person whose presence he may think necessary, and, after taking the evidence and completing the enquiry, shall, if he considers there are sufficient grounds for a judicial enquiry, take the requisite steps for bringing to trial any person whom he may consider to be criminally liable for the accident. Whenever technical points are involved, the Magistrate should call for the opinion of the Government Inspector or other professional persons.

25. The result of every enquiry or investigation made under rule 22 shall be communicated by the Magistrate to the Agent or Manager of the Railway and to the Government Inspector.

26. If, in the course of any judicial enquiry into an accident occurring in the course of working a railway, the Magistrate desires the assistance of the Government Inspector or of the Agent or Manager of the Railway, or the attendance of any officer of the Railway, to explain any matter relating to railway supervision, management or working, he will issue a requisition to the Agent or Manager for the attendance at court of an officer competent to explain such matter, stating at the same time the nature of the assistance required. In summoning railway servants, the Magistrate will take care not to summon so large a number of the employees, especially of one class, on the same day, as to cause inconvenience to the working of the railway. In the case of very serious accidents it will generally be advisable for the Magistrate to obtain a report, from both the Government Inspector and the Agent or Manager of the Railway, in regard to the accident, before finally concluding the judicial enquiry.

27. On the conclusion of any such judicial enquiry the Magistrate shall send a copy of his decision to the Agent or Manager of the Railway, and to the Government Inspector, and shall, unless in any case he thinks it unnecessary to do so, report the result of the enquiry to the State Government.

Duties of Police Officers

28. (1) The railway police may make an investigation into the causes which led to any accident occurring in the course of working a railway and shall do so :

(a) whenever any such accident is attended with loss of human life, or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property, or has *prima facie* been due to any criminal act or omission; or

(b) whenever the District Magistrate or the Magistrate appointed under rule 22 has given a direction under clause (c) of that rule:

Provided that no such investigation shall be made when an enquiry has been commenced or ordered under clause (a) or clause (b) of rule 22.

(2) The railway police shall report, with as little delay as possible, to the nearest Station Master or where there is no Station Master, to the railway servant in charge of the section of the railway on which the accident has occurred, every accident which may come to their notice occurring in the course of working a railway, attended with loss of human life or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property, or which has *prima facie* been due to any criminal act or omission.

29. (1) Whenever an investigation is to be made by the railway police—

(a) in a case in which an accident is attended with loss of human life or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property ; or

(b) in pursuance of direction given under clause (c) of rule 22, the investigation shall be conducted by the officer-in-charge of the railway police, or, if that officer should be unable to conduct the investigation himself, then by an officer to be deputed by him.

(2) The officer deputed under sub-rule (1) shall ordinarily be the senior officer available, and shall whenever possible be a gazetted officer, and shall in no case be of rank lower than that of Inspector :

Provided that the investigation may be carried out by an officer-in-charge of a police station—

(i) in such a case as is referred to in clause (a) of sub-rule (1) unless loss of life or grievous hurt has been caused to more persons than one or injury to property has been caused to a value exceeding Rs.10,000, or there is reason to suspect that any servant of the railway has been guilty of neglect of rules ; or

(ii) in the case referred to in clause (b) of sub-rule (1) if the District Magistrate so directs.

30. The officer who is to conduct an investigation in pursuance of rule 29 shall proceed without delay to the scene of the accident and conduct the investigation there and shall at once advise the Agent or Manager of the Railway and the Traffic Officer of the district by telegraph of the date and hour at which the investigation will commence so that, if possible, the presence of a railway official may be arranged for to watch the proceedings and to aid the officer making the investigation. The absence of a railway official must not, however, be allowed to delay the investigation, which should be made as soon as possible after the accident has taken place.

31. (1) In every case to which rule 29 applies, immediate information shall be given by the railway police to the district police, who, if so required, shall afford all necessary assistance and shall, if occasion arise, carry the investigation beyond the limits of the railway premises. But the railway police are primarily entrusted with the duty of carrying on the investigation within such limits.

(2) Subject to any provisions elsewhere contained in these rules, the further prosecution of the case, on the conclusion of the police investigation, shall rest with the railway police.

32. The result of every police investigation shall be reported at once to the District Magistrate or other officer appointed in this behalf by the State Government, to the Agent or Manager of the Railway or other officer appointed by him, and to the Government Inspector.

33. Where there are no railway police, the duties imposed by rules 28, 29 and 30, sub-rule (2) of 31, and rule 32 on the railway police, or on the officer-in-charge of the railway police, shall be discharged by the district police or by the District Superintendent of Police, as the case may be.

APPENDIX 24

(Referred to in paragraph 593)

**RULES RELATING TO CLAIMS FOR COMPENSATION IN ACCIDENT CASES
MADE UNDER SECTION 82-J OF THE INDIAN RAILWAYS ACT, 1890**

PART I

PRELIMINARY

1. **Short title.**—(1) These rules may be called the Railway Accidents (Compensation) Rules, 1950.

(2) They shall come into force on the first of day of July, 1950.

2. **Definitions.**—In these rules, unless the context otherwise requires—

(a) “Act” means the Indian Railways Act, 1890 (IX of 1890);

(b) “Commissioner” means a Claims Commissioner appointed under section 82-B of the Act ;

(c) “major accident” means an accident of the nature described in section 82-A of the Act ;

(i) which according to the report of the accident made to the Central Government by the Railway Administration concerned has resulted in the death of more than ten passengers or in more than twenty casualties ; or

(ii) which the Central Government by order published in the official *Gazette* declares to be a major accident.

Explanation—For the purpose of this clause a ‘casualty’ means the death or partial disablement or total disablement of any passenger.

(d) “minor accident” means an accident which is not a major accident ;

(e) “partial disablement” and “total disablement” have the meanings respectively assigned to them in the Workmen’s Compensation Act, 1923 (VIII of 1923) ;

(f) “schedule” means the schedule to these rules ;

(g) “section” means a section of the Act.

PART II

**QUALIFICATIONS AND CONDITIONS OF SERVICE OF CLAIMS
COMMISSIONERS**

3. **Qualifications for Commissioners**—A person shall not be qualified for appointment as a Claims Commissioner unless he—

(a) is, has been or is qualified for appointment as a Judge of a High Court ; or

(b) is or has exercised the powers of a District Judge ; or

(c) is or has exercised the powers of a District Magistrate.

Explanation—In this rule and the next succeeding rule, the expression “District Judge” includes a Joint Judge, an Additional District Judge (Senior Division) and the expression “District Magistrate” includes a Deputy Commissioner, a Chief

Presidency Magistrate, an Additional Chief Presidency Magistrate, an Additional District Magistrate and in the State of Assam, Political Officer in that State.

4. **Appointment of Claims Commissioners**—(1) The Central Government may appoint any District Judge or District Magistrate as an *ex-officio* Claims Commissioner for enquiring into or determining claims arising out of a minor accident occurring in the area within the jurisdiction of such District Judge or District Magistrate.

(2) In the case of a major accident, the Central Government shall appoint a person who is qualified under rule 3 as an *ad hoc* Claims Commissioner.

(3) Where an *ad hoc* Claims Commissioner appointed under sub-rule (2) has ceased to function, all additional and further claims arising out of the major accident may be preferred to the *ex-officio* Claims Commissioner appointed under sub-rule (1) for the area in which the accident occurred.

5. **Conditions of service**—(1) A Commissioner appointed to enquire into and determine claims arising out of a major accident shall be paid such remuneration and such travelling and other allowances as may be determined by the Central Government.

(2) A Commissioner appointed to inquire into and determine claims arising out of a minor accident shall be paid such travelling and other allowances as are admissible to him under the rules governing his conditions of service.

PART III

RATES OF COMPENSATION

6. **Amount of compensation**—(1) The amount of compensation payable in respect of death or for injuries causing partial disablement or total disablement shall be at the rates set out in the Schedule.

(2) In case of a partial disablement arising out of an injury not specified in Part II of the Schedule, such percentage of the compensation payable in the case of a total disablement as is proportionate to the loss of earning capacity permanently caused by the injury, shall be payable :

Provided that where more than one injury is caused by the same accident, compensation shall be payable in respect of each injury so that the aggregate amount of compensation does not exceed the amount which would have been payable if a total disablement had resulted from such injuries :

Provided further that where compensation has been paid for any injury which is less than the amount which would have been payable as compensation if the injured person had died and that person subsequently dies as a result of the injury, a further compensation equal to the difference between the amount payable and that already paid shall become payable.

7. Compensation for loss of goods and animals—Compensation for loss, destruction or deterioration of goods or animals shall be paid to such extent as the Commissioner in the circumstances deems reasonable, provided that such compensation together with any compensation payable for personal injury shall not, in respect of any one person, exceed the limit specified in sub-section (2) of section 82-A.

PART IV

PROCEDURE FOR DETERMINATION OF CLAIMS

8. Introductory—Save as otherwise provided in these rules, the procedure to be followed by a Commissioner in determining claims for compensation under the Act shall be regulated in accordance with the rules contained in this part.

9. Information regarding accidents—As soon as a Commissioner is appointed, the General Manager or other executive head of the Railway Administration concerned shall furnish the Commissioner with the following information :

(a) a complete list of the passengers killed or injured as a result of the accident, together with the names and addresses of such passengers ;

(b) a statement of the injuries sustained by the passengers who are injured, signed by the medical authority attending on such passengers ;

(c) the number of unidentified bodies, together with a brief description of each such body.

10. Assessors—(1) In an enquiry into a major accident the Commissioner may call in the aid of assessors, not exceeding two in number, who possess any technical or special knowledge with respect to any matter before the Commissioner.

(2) An assessor shall perform such functions as the Commissioner may direct.

(3) The remuneration, if any, to be paid to an assessor shall in every case be determined by the Commissioner and to be paid by him as part of the expenses of the execution of the Act.

11. Applications—(1) Every application under section 82-G for payment of compensation under section 82-A shall contain the following particulars :

(i) Whether the person in respect of whom compensation is claimed was a passenger in the train which met with the accident.

(ii) The nature of the injuries sustained by such person (in case of death, the date of death).

(iii) The age of the injured person or of the deceased.

(iv) The monthly income of the injured person or of the deceased,

(v) Particulars of any animal or goods lost, destroyed or deteriorated as a result of the accident.

(vi) The amount of compensation claimed.

(2) Every such application shall be sent to the Commissioner by registered post or may be presented to him or to any of his subordinates authorized by him in this behalf and, if so sent or presented, shall, unless the Commissioner otherwise directs, be made in duplicate and shall be signed by the applicant.

(3) There shall be appended to every such application a certificate, which shall be signed by the applicant, to the effect that the statement of facts contained in the application is to the best of his knowledge and ability true.

12. **Examination of applicant**—On receiving an application under rule 11, the Commissioner may examine the applicant upon oath, and the substance of such examination shall be reduced to writing and shall be signed by the Commissioner.

13. **Summary dismissal of application**—The Commissioner may, after considering the application and the statement, if any, of the applicant recorded under rule 12, summarily dismiss the application, if, for reasons to be recorded, he is of opinion that there are not sufficient grounds for proceeding therewith.

14. **Notice to opposite party**—If the application is not dismissed under rule 13, the Commissioner shall send to the Railway Administration from whom the applicant claims relief (hereinafter referred to as the opposite party), a copy of the application, together with a notice of the date on which he will dispose of the application, and may call upon the parties to produce upon that date any evidence which they may wish to tender.

15. **Appearance and examination of opposite party**—(1) The opposite party may, and if so required by the Commissioner, shall, at or before the first hearing or within such time as the Commissioner may permit, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record.

(2) If the opposite party contests the claim, the Commissioner may, and if no written statement has been filed, shall, proceed to examine him upon the claim and shall reduce the result of the examination to writing.

16. **Framing of issues**—After considering any written statement and the result of any examination of parties, the Commissioner shall ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend.

17. **Determination of issues**—After framing the issues the Commissioner shall proceed to record evidence thereon which each party may desire to produce.

18. Method of recording evidence—The Commissioner shall make a brief memorandum of the substance of the evidence of every witness as examination of the witness proceeds, and such memorandum shall be written and signed by the Commissioner with his own hand and shall form part of the record :

Provided that, if the Commissioner is prevented from making such memorandum, he shall record the reason of his inability to do so and shall cause such memorandum to be made in writing from his dictation and shall sign the same, and such memorandum shall form part of the record :

Provided further that the evidence of any medical witness shall be taken down as nearly as may be, word for word.

19. Local inspection—(1) The Commissioner may at any time during the course of an inquiry before him visit the site at which the accident occurred for the purpose of making a local inspection or examining any person likely to be able to give information relevant to the proceedings.

(2) Any party or the representative of any party may accompany the Commissioner for a local inspection.

(3) The Commissioner, after making a local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and shall supply any party with a copy thereof.

(4) The memorandum shall form part of the record.

20. Power of summary examination—(1) The Commissioner during a local inspection or at any other time, save at a formal hearing of a case pending before him, may examine summarily any person likely to be able to give information relating to such case, whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not.

(2) No oath shall be administered to a person examined under sub-rule (1).

21. Diary—The Commissioner shall maintain under his hand a brief diary of the proceedings on an application.

22. Reasons for postponement to be recorded—If the Commissioner finds it impossible to dispose of an application at one hearing, he shall record the reasons which necessitate the postponement.

23. Judgment—The Commissioner, in passing orders, shall record concisely in a judgment the finding on each of the issues framed and his reasons for such finding.

24. Summoning of witness—If an application is presented by any party to the proceedings for the citation of witnesses, the Commissioner shall, on payment of the prescribed expenses and fees, if any, issue

summonses for the appearance of such witnesses, unless he considers that their appearance is not necessary for a just decision of the case.

25. **Appearance of legal practitioner**—A Commissioner may, in his discretion, allow any party to appear before him through a legal practitioner.

26. **Receipt for compensation**—Upon payment of compensation a receipt shall be obtained by the Commissioner and such receipt shall be forwarded to the General Manager or other executive head of the Railway Administration concerned for purposes of record.

27. **Code of Civil Procedure to apply in certain cases**—In so far as these rules make no provision or make insufficient provision, the Commissioner shall follow the procedure laid down in the Code of Civil Procedure, 1908 (V of 1908) for the trial of suits.

28. **Savings**—Notwithstanding anything contained in these rules, in the case of a minor accident, a Commissioner may follow such summary procedure as he thinks fit:

Schedule

(See Rule 6)

PART I

COMPENSATION FOR DEATH OR TOTAL DISABLEMENT

Where the monthly salary, or in the absence of a monthly salary, the average monthly income at the time of the accident of the person killed or injured was --	Amount of compensation	
	(a) for death	(b) for total disablement
	Rs.	Rs.
Nil or not exceeding Rs. 20 ..	900	1,300
Exceeding Rs. 20 but not exceeding Rs. 30 ..	1,300	1,900
Exceeding Rs. 30 but not exceeding Rs. 40 ..	1,800	2,500
Exceeding Rs. 40 but not exceeding Rs. 50 ..	2,200	3,200
Exceeding Rs. 50 but not exceeding Rs. 60 ..	2,600	3,800
Exceeding Rs. 60 but not exceeding Rs. 70 ..	3,200	4,400
Exceeding Rs. 70 but not exceeding Rs. 80 ..	3,600	5,000
Exceeding Rs. 80 but not exceeding Rs. 100 ..	4,500	6,300
Exceeding Rs. 100 but not exceeding Rs. 200 ..	5,200	7,400
Exceeding Rs. 200 but not exceeding Rs. 500 ..	7,000	8,500
Exceeding Rs. 500 but not exceeding Rs. 1,000 ..	8,000	10,000
Exceeding Rs. 1,000 ..	10,000	10,000

PART II

COMPENSATION FOR PARTIAL DISABLEMENT

Where the nature of the disablement is---	Amount of compensation expressed as a percentage of the amount payable under Part I for total disablement		
Loss of right arm above or at the elbow	..	..	70
Loss of left arm above or at the elbow	..	..	60
Loss of right arm below the elbow	..	..	60
Loss of leg at or above the knee	..	..	60
Loss of left arm below the elbow	..	..	50
Loss of leg below the knee	..	..	50
Permanent total loss of hearing	..	..	50
Loss of one eye	..	..	30
Loss of thumb	..	..	25
Loss of all toes of one foot	..	..	20
Loss of one phalanx of thumb	..	..	10
Loss of index finger	..	..	10
Loss of great toe	..	..	10
Loss of any finger other than index finger	..	..	5

Explanation—Complete and permanent loss of the use of any limb or member referred to in this part shall be deemed to be equivalent to the loss of that limb or member.

APPENDIX 25*(Referred to in paragraph 593)***APPOINTMENT OF *ex-officio* CLAIMS COMMISSIONERS FOR INQUIRY INTO AND DETERMINATION OF CLAIMS FOR COMPENSATION ARISING FROM MINOR RAILWAY ACCIDENTS.**

In exercise of the powers conferred by section 82-B of the Indian Railways Act, 1890 (IX of 1890), the Central Government is pleased to appoint in respect of each of the States specified in column 1 of the Schedule hereto annexed the officer or officers specified in column 2 thereof as the *ex-officio* Claims Commissioner or Commissioners for enquiring into and determining all claims for compensation arising out of minor accidents occurring within his or their respective jurisdiction :

The Schedule

Name of State	Designation of officer
Uttar Pradesh ..	1. Additional District Magistrate (Judicial), Muzaffarnagar.
	2. Additional District Magistrate (Judicial), Bulandshahr.
	3. Additional District Magistrate (Judicial), Mathura.
	4. Additional District Magistrate (Judicial), Mainpuri.
	5. Additional District Magistrate (Judicial), Bareilly.
	6. Additional District Magistrate (Judicial), Bijnor.
	7. Additional District Magistrate (Judicial), Budaun.
	8. Additional District Magistrate (Judicial), Moradabad.
	9. Additional District Magistrate (Judicial), Shahjahanpur.
	10. Additional District Magistrate (Judicial), Farrukhabad.
	11. Additional District Magistrate (Judicial), Fatehpur.
	12. Additional District Magistrate (Judicial), Jhansi.
	13. Additional District Magistrate (Judicial), Lucknow.

Name of State	Designation of officer
Uttar Pradesh	14. Additional District Magistrate (Judicial), Unnao.
	15. Additional District Magistrate (Judicial), Rae Bareilly.
	16. Additional District Magistrate (Judicial), Sitapur.
	17. Additional District Magistrate (Judicial), Gonda.
	18. Additional District Magistrate (Judicial), Bahraich.
	19. Additional District Magistrate (Executive), Saharanpur.
	20. Additional District Magistrate (Executive), Meerut.
	21. Additional District Magistrate (Executive), Agra.
	22. Additional District Magistrate (Executive), Kanpur.
	23. Additional District Magistrate (Executive), Allahabad.
	24. Additional District Magistrate (Executive), Banaras.
	25. Additional District Magistrate (Executive), Gorakhpur.
	26. District Magistrate, Dehra Dun.
	27. District Magistrate, Aligarh.
	28. District Magistrate, Etah.
	29. District Magistrate, Rampur.
	30. District Magistrate, Pilibhit.
	31. District Magistrate, Etawah.
	32. District Magistrate, Jalaun.
	33. District Magistrate, Hamirpur.
	34. District Magistrate, Banda.
	35. District Magistrate, Mirzapur.
	36. District Magistrate, Jaunpur.
	37. District Magistrate, Ghazipur.

Name of State	Designation of officer
Uttar Pradesh	38. District Magistrate, Ballia.
	39. District Magistrate, Deoria.
	40. District Magistrate, Basti.
	41. District Magistrate, Azamgarh.
	42. District Magistrate, Naini Tal.
	43. District Magistrate, Almora.
	44. District Magistrate, Garhwal.
	45. District Magistrate, Tehri-Garhwal.
	46. District Magistrate, Hardoi.
	47. District Magistrate, Kheri.
	48. District Magistrate, Faizabad.
	49. District Magistrate, Sultanpur.
	50. District Magistrate, Pratapgarh.
	51. District Magistrate, Bara Banki.

APPENDIX 26

(Referred to in paragraph 594)

RULES UNDER SECTION 20-A OF THE STAGE CARRIAGES ACT, 1861

1. Application for a licence for a stage carriage shall be made in the district in which it plies for hire, or if it plies in more than one district, then in the district in which the headquarters of the proprietors are situated, or if such headquarters are situated in a district in which the stage carriage does not ply, then in the district in which the local manager resides. Every such application shall bear a court-fee stamp of eight annas.

2. Licences may be granted by the District Magistrate or by such subordinate magistrate or magistrates as he may authorize in this behalf.

3. Every person applying for a licence shall give the names of chief responsible persons or agents at every place on the line where passengers can be booked, and every licence holder shall report any changes made in the responsible persons or agents at the places where passengers can be booked.

4. Every licence granted under the Act shall be in the prescribed form, and shall be subject to the conditions prescribed therein and to these rules, and may be cancelled for breach thereof. One certified copy in English and one in vernacular shall be supplied to each licence-holder. If the stage carriage is licensed to ply in more than one district, a copy of the licence shall be sent to the Magistrate of each district concerned.

5. A separate licence is required for each carriage used as a stage carriage, and the fee payable for each licence shall be—

	Rs.
If the stage carriage is an ekka	2
In all other cases	5

The fee shall be paid by the applicant into the Government treasury, and before signing a licence the Licensing Officer shall see that the payment is supported by the prescribed treasury printed form.

6. The Licensing Magistrate, before granting a licence, shall determine—

(a) the number of horses by which drawn ;

NOTE—No licence should be given for a four-wheeled vehicle, other than a camel-cart, to be drawn by less than two horses.

(b) the stages between the termini ;

(c) the maximum number of passengers and the greatest weight of luggage to be carried in or on the stage carriage.

In fixing the maximum number of passengers and weight of luggage to be carried and the length of the stages, the Licensing Officer will take into consideration local conditions, the state of road, the character of the country (hilly or otherwise) the class of animal used, and the class of vehicle licensed ; but ordinarily the stages should be

fixed at distances not exceeding six miles when the vehicle is drawn by two horses, ponies or mules, or 12 miles when the vehicle is an ekka, and the loads to be fixed as the maximum which the stage carriage may carry should ordinarily not exceed—

(1) for a four-wheeled vehicle—

(a) if drawn by horses, 4 adult passengers and two ponies or mules. maunds of luggage.

(b) if drawn by a camel or 12 adult passengers and three bullock. maunds of luggage.

(2) for a tonga. 3 adult passengers and 1½ maunds of luggage.

(3) for an ekka. 3 adult passengers and no luggage other than small bundle.

7. No animal shall be used in a stage carriage until it has been inspected and approved by the Licensing Officer or other officer appointed by him for the purpose.

Ordinarily no pony should be approved for use in a *dak gari* or tonga that is less than 13—2 hands high; but exceptions may be made by the Licensing Officer in favour of smaller animals if of sufficient stamina, and when the traffic is so light as to justify a relaxation of this rule.

8. The Licensing Officer may from time to time require a licence-holder to brand (branding on the hoof will frequently suffice) with a special mark any or all of the animals that have been approved for use in a stage carriage if he considers that this is necessary for purposes of identification, and may suspend all or any of the licences held by the proprietors until the order has been complied with or at his discretion, after a reasonable interval, revoke them.

9. Every stage carriage shall be inspected previous to the grant of a licence by the Licensing Officer (or other officer appointed by him for the purpose) who must satisfy himself (i) that the carriage is serviceable, safe, and fit for public accommodation or use, and if a camel carriage, that a high seat for the driver is provided; (ii) that the harness or gear proposed to be used is serviceable.

10. Before granting a licence the Licensing Officer shall satisfy himself that the proprietor possesses a sufficient number of animals approved under rule 7 having regard to the stages fixed and the number of licensed carriages he has to maintain to meet the exigencies of the traffic.

11. If at any time a licence-holder wishes to use in the stage carriage any animal other than one that has been approved under rule 7, he shall apply to the Licensing Officer for permission and shall produce the animal for inspection.

12. If a carriage or harness is found at any time defective or unserviceable, the licence may be temporarily suspended, and, if after due notice the defect is not remedied, revoked by the Licensing Officer or by any Magistrate within the local limits of whose jurisdiction the stage carriage plies.

13. A register shall be maintained in the Licensing Magistrate's office in the prescribed form. Before the Licensing Officer signs licence, he shall see that all the particulars regarding it are duly entered in this register. The register shall be open to the inspection of any person who may apply to the Licensing Magistrate for permission to refer to it.

14. Every Magistrate of a district in which a licensed stage carriage plies for hire shall cause to be maintained an inspection register in the prescribed form.

15. An inspection should be made weekly of the state of the animals at each stage by the officer in charge of, or in his absence by the senior officer present at the police station within the limits of which the stage is situated, or by such other officer as may be appointed for this purpose by the District Magistrate. Twice a year, in the spring and in the autumn, the Superintendent of Police will visit the stages personally and make an inspection of the animals used. Such other inspections of the carriages and of the animals as may be necessary will be ordered by the Magistrate of the district. The inspecting officer should be accompanied, if possible, by the veterinary assistant of the district, and should invariably report to the Magistrate the necessary particulars for entry in the inspection register.

15-A. In addition to the inspections enumerated above, the animals used in carriages

(1) The road from Kathgodam to Naini Tal.	on the lines of road noted in
(2) The road from Kathgodam to Ranikhet.	the margin shall be ins-
(3) The road from Dehra Dun to Rajpur.	pected once in every year
(4) The road from Dehra Dun to Chakrata.	between the months of April
	and September (inclusive), by
	the Deputy Director of the
	Animal Husbandry Depart-

ment. The Deputy Director may further inspect the animals used in stage carriages on any of the roads mentioned above at any time when he has reason to suspect that epidemic disease exists among the animals on the road or in its vicinity.

16. An inspecting officer may prohibit the use of any carriage or animal found to be unfit for use pending the receipt of orders from a Magistrate and the Licensing Officer, or any Magistrate, within the local limits of whose jurisdiction the stage carriage plies, may, of his own motion, or on the receipt of a report from an inspecting officer, prohibit the use of any carriage or animal found to be unfit

for use either entirely or until it is declared by him to be fit for use. When the use of any animal has been prohibited by any Magistrate other than the Licensing Officer, he shall submit a report of the fact to that officer. The Licensing Officer may order that any horse whose use has been temporarily prohibited shall be removed from the stage at which it is posted.

17. If, having regard to the number of licensed carriages possessed by a proprietor and the exigencies of the traffic, the number of approved horses available for use in the said carriages is, owing to the use of certain approved horses having been prohibited or for other reasons, insufficient, the Licensing Officer may suspend the licences of so many stage carriages as are, in his opinion, in excess of the number for which the proprietor possesses an adequate number of approved horses in use.

18. In the case of any licensed stage carriage plying on hilly or dangerous roads, the Licensing Officer may direct that no person shall act as driver except under a licence granted by him or by some Magistrate authorised by him. On the issue of such direction the following rules with regard to the grant of driver's licences shall apply :

(1) Any person desiring to be licensed as a driver shall apply in person to the Licensing Officer, who after ascertaining that he is not incompetent to drive a carriage may grant him, free of cost, a licence as a driver : provided, that the licence may be refused whenever the Licensing Officer is of opinion that it would be inexpedient to grant it to the person applying.

(2) The Licensing Officer shall keep up a register, in which he shall enter the name, father's name, age and residence of all persons who have been licensed as drivers, and also give to each a number in the register.

(3) The Licensing Officer shall, at the time of granting the licence, which shall contain all the particulars entered in the register, deliver to the driver a ticket or badge containing the number and name of the driver and the year for which his licence has been granted.

19. Any person committing a breach of rule 7, or of a prohibition or other order under rule 16, or of a direction under rule 18, shall be liable to a fine which may extend to Rs. 100.

APPENDIX 27

(Referred to in paragraph 601)

**RAILWAY EMPLOYEES EXEMPTED FROM SERVICE AS JURORS
AND ASSESSORS**

(Will issue later)

APPENDIX 28

(Referred to in paragraph 658)

**LIST OF OFFICERS EMPOWERED TO EXECUTE CONTRACTS AND DEEDS
ON BEHALF OF THE STATE GOVERNMENT**

(Will issue later)

APPENDIX 29

(Referred to in paragraph 669)

***RULES FOR THE CONTROL AND GUIDANCE OF NOTARIES PUBLIC**

1. Notaries public shall, in transacting business under the Act, use the forms set forth in the notification quoted in the margin.

*(J. G. G. O.
(H. D.) no.
1433, dated
September
30, 1886.*

2. Besides recording declarations of payment for honour (section 113), notaries public shall, following the practice existing in the presidency towns, also register notings and protests made by them. No particular form of register is necessary for these purposes, but notaries public shall keep a substantial blank book in which to enter copies of all the letters which they may write presenting bills for acceptance or payment or better security; of all bills[†] noted, or protested, or paid for honour together with all endorsements thereon (including that made by themselves, to the effect that the bill has been noted or protested for non-acceptance or non-payment or want of better security); and of all protests made by themselves and of all declarations made by payers for honour. Notaries public shall further, after examination of each entry in the book, affix their signature thereto, and where demand of acceptance or payment or better security was made by a clerk, shall cause him to affix his signature also to the entry relating to the demand.

3. The book shall be known as a notarial register, and the pages thereof shall be numbered consecutively.

4. Every notary public shall permit the District Judge or such officer as the State Government from time to time appoints in this behalf to inspect his register at such times, not oftener than twice a year, as the District Judge or officer may fix.

5. When the original instrument is in an Oriental language, any noting or protest or entry in his register which has to be made in respect of the instrument by a notary public, may be made either in that language or in English.

6. In making presentments of bills or notes, notaries public shall observe the provisions of Chapter V of the Act :

Provided that it shall not be necessary for a notary public to allow the drawee of a bill-of-exchange time for deliberation as provided by section 63.

7. Every notary public shall use a plain circular seal bearing, if he has been appointed by name, his name, and the name of the local area within which he has been appointed to exercise his functions, and

***Under the Negotiable Instruments Act.**

[†]In cases where the language of the bill is unknown to the notary public, and where it is impossible to find any one acquainted with the language of the bill to copy it into the register, an entry in the register of an abstract of a bill will be sufficient.

the circumscription "Notary Public", and if he has been appointed by virtue of his office, the name of his office and of the local area within which he has been appointed to exercise his functions, and the circumscription "Notary Public".

8. Every notary public shall have an office at such place within the local area for which he has been appointed, as may be approved in his behalf by the District Judge.

9. Notaries public shall charge fees at the rates mentioned below, namely:

(1) For noting an instrument—	Rs.
If the amount of the instrument does not exceed Rs. 1,000 ..	2
If it exceeds Rs. 1,000 but does not exceed Rs. 5,000 ..	3
If it exceeds Rs. 5,000 but does not exceed Rs. 20,000 ..	5
If it exceeds Rs. 20,000 but does not exceed Rs. 30,000 ..	6
If it exceeds Rs. 30,000 but does not exceed Rs. 50,000 ..	7
If it exceeds Rs. 50,000	8
(2) For protesting an instrument—	
If the amount of the instrument does not exceed Rs. 1,000 ..	6
If it exceeds Rs. 1,000 but does not exceed Rs. 5,000 ..	7
If it exceeds Rs. 5,000 but does not exceed Rs. 20,000 ..	10
If it exceeds Rs. 20,000 but does not exceed Rs. 30,000 ..	11
If it exceeds Rs. 30,000 but does not exceed Rs. 40,000 ..	12
If it exceeds Rs. 40,000 but does not exceed Rs. 50,000 ..	13
If it exceeds Rs. 50,000 but does not exceed Rs. 60,000 ..	14
If it exceeds Rs. 60,000 but does not exceed Rs. 70,000 ..	15
If it exceeds Rs. 70,000 but does not exceed Rs. 80,000 ..	16
If it exceeds Rs. 80,000 but does not exceed Rs. 90,000 ..	17
If it exceeds Rs. 90,000 but does not exceed Rs. 1,00,000 ..	18
If it exceeds Rs. 1,00,000	22
(3) For recording a declaration of payment for honour ..	2½
(4) Duplicate protests—half the charge for the original.	

NOTE—In addition to the above fees, travelling allowance at the rate of three annas a mile by rail and eight annas a mile by road may be charged when the notary public is required to attend at any place more than one mile from his office.

10. Notaries public, who are government servants, should, after defraying all legal charges incurred by them in the former capacity (such as charges of serving processes, stamps, etc.), credit to the Government, the balance of the fees which they receive.

*Cf. G. G. O.
(H. D.) no.
1216, dated
July 6, 1904.*

APPENDIX 80

(Referred to in paragraph 670)

**OFFICERS AUTHORISED TO RECEIVE ORDERS FOR ATTACHMENT OF
SALARIES OR ALLOWANCES**

(Will issue later)

APPENDIX 31

(*Referred to in paragraph 679*)

PASSPORT ENTRIES REGARDING NATIONAL STATUS

G. E. no.
4535-PP/
VIII-368-
48, dated
August 31,
1943.

1. The following terms should be used to describe the national status of Indians in passports :

(i)(a) Indian (by birth) ;

(b) Indian (by naturalization) ;

(ii) (a) Indian (by birth, the wife or widow or former wife of an Indian) ;

(b) Indian (by naturalization, the wife or widow or former wife of an Indian by naturalization) ;

(c) Indian (by marriage, the wife or widow or former wife of an Indian or an Indian by naturalization) ;

2. (1)(a) the term "Indian (by birth)" should be used in respect of the following persons, namely :

(i) Any person who is a natural born British subject under the provisions of section 1 of the British Nationality and Status of Aliens Act, 1914, and is domiciled in India, and, in addition, fulfils the following conditions :

either he *or* his father, grandfather, or great-grandfather was born in India ;

(ii) any person who, prior to the 15th August 1947, was eligible to be described as a "British protected person" by virtue of his being the subject of an Indian State and is domiciled in India, and, in addition, fulfils the following conditions :

either he *or* his father, grandfather or great-grandfather was born in India ;

NOTE—In this paragraph, "India" means territories comprised in the States and the acceding States of India.

(b) the term "Indian (by naturalization)" should be used in respect of the following persons, namely:—

(i) Any person who has been granted a Certificate of Naturalization under the provisions of the Indian Naturalization Act, 1926 ;

(ii) Any person who, being of Indian origin, acquired the nationality of a Foreign State, but was subsequently granted a Certificate of Naturalization under the provisions of Section 2 of the British Nationality and Status of Aliens Act, 1914 ;

(iii) Any person who has been granted a Certificate of Naturalization under the provisions of the Law of any of the Indian States which have acceded to the Union of India.

(2) The terms mentioned in paragraph 1 (ii) (a) and (b) and (c) should be used in respect of the wives, widows, or former wives of the persons mentioned in paragraph 2(i) (a) above as may be appropriate in each case.

3. (1) Non-Muslims belonging to places now included in Pakistan, who, consequent on the partition of India in two countries, desire to be regarded as citizens of India, may also be described by using the term mentioned in paragraph 1 above, subject to fulfilment by them of the conditions prescribed in sub-para. (2) below :

Provided that they are either natural-born British subjects, or British subjects by naturalization under the provisions of the British Nationality and Status of Aliens Act, 1914, or were, prior to the 15th August 1947, eligible to be described as "British protected persons", by virtue of being subjects of an Indian State, or were granted Certificates of Naturalization under the provisions of the Indian Naturalization Act, 1926.

(2) The following conditions should be fulfilled by non-Muslims belonging to Pakistan mentioned in sub-para. (1), who desire to be regarded as citizens of India and who wish to be described in accordance with paragraph 1 above :—

(a) That they satisfy the requirements of paragraph 2 if the word "Pakistan" is substituted for the word "India" wherever it occurs in that paragraph.

(b) That they make a declaration of allegiance to the Union of India, in accordance with the instructions issued by the Government of India.

APPENDIX 32*(Referred to in paragraph 731)***INSTRUCTIONS OF OFFICERS AND HEADS OF DEPARTMENTS****FOR THE PREPARATION OF PENSION PAPERS**

ARTICLE 906, C. S. R. requires that "all authorities dealing with applications for pension under the C. S. R. should bear in mind that delay in the payment of pension involves peculiar hardships. It is essential to ensure, therefore, that an officer begins to receive his pension on the date on which it becomes due". In spite of these instructions it has been noticed that in very many cases it takes a lot of time to obtain complete papers and information from the local offices, and cases have to be returned several times owing to non-observance of rules for the preparation of pension cases. Although the procedure for the preparation of pension papers has not been changed and has been in vogue for a very long time, the papers are yet received in an incomplete form in the Accounts Office involving great delays and avoidable correspondence all round. With a view to minimizing the chances of delay in, and expediting the final sanction and ultimate issue of a Pension Payment Order the following set of instructions are issued for the guidance of district and other officers dealing with pension papers. In this connexion special attention is invited to G. O. no. A-1967/X—219, dated May 3, 1926, which requires the preparation of service papers six months before the expected date of retirement and getting the services verified as it is not always possible even to grant an Anticipatory Pension Order before the service is completely verified by the Accounts Office.

*Instructions for the Preparation of Pension Papers***(A) Verification of Services**

To ensure speedy verification of services it is essential that the service book should be properly maintained, and annual statement of establishment should be properly compiled and compared with the entries in the service book, as the final verification is based on them and service statement or history of services can correctly be prepared according to the entries in the first two documents only.

(a) Service Books

Each step in a Government servant's official life, whether of promotion, reduction, leave, transfer, suspension or dismissal, should be contemporaneously attested by the head of the office. In this connexion the following points should be kept in mind:

1. The non-English entries, if any, should be transliterated into English.
2. If an officer, without a substantive appointment (in qualifying service), is appointed to officiate in a pensionable appointment, and is confirmed without interruption in service as defined in Article 371, C. S. R., the nature of the original vacancy or vacancies, in the chain of arrangement of which he officiated should be stated in the service book in the remarks column.

3. If there be any period of absence without leave, it should be stated in the service book whether the period of absence without leave has been commuted into leave without allowance or not, as absence without leave causes forfeiture of all past services [Article 420 (b) and 421, C. S. R.].

4. If a Government servant, on permanent establishment, be detached on temporary duty on the understanding that when the temporary duty ceases he would return to the permanent establishment, the substantive appointment on the permanent establishment, on which he holds a lien, should be shown in column 3 of the service book.

5. The cause of suspension, if any, should be briefly stated in the service book. It should also be stated therein whether the suspension was pending inquiry into conduct or was adjudged as a specific penalty, and whether the period of suspension will count as service for pension. (Articles 416 and 417, C. S. R.).

6. In the case of transfer to non-qualifying service it should be stated whether the transfer was for misconduct, or was ordered by the competent authority in the interest of public service.

7. In the case of service rendered by a Government servant under a District Board (such as teacher in a Secondary English School, compounder, clerk, overseer, sub-overseer, veterinary assistant, etc.) after December 31, 1904, the exact date from which pensionary contribution under Article 802, C. S. R. was paid for the post held under the District Board should be stated in the service book in the remarks column.

8. Military service of all the officials should be got verified from the Controller of Defence Accounts concerned as soon as possible without considering whether the official concerned is retiring from Government service in the near future or not, as the verification of this portion of service at the time of retirement necessarily causes much delay (vide paragraph 4 of G.O. No. A-1967/X--219, dated May 3, 1926). Information on the following points duly verified by the Controller of Defence Accounts should be noted in the service book or the character roll :

(1) The correct period of service with the dates of commencement and termination of such service and the amount of leave, if any, availed of during this period.

(2) Whether the service was qualifying under the Military Rules, and also whether it terminated before a pension or gratuity was earned.

(3) Whether any pension/gratuity/reward or/bonus was granted by the Military authorities.

(4) Whether the official concerned was attached to a permanent or a temporary unit.

(5) Whether the service rendered was of superior or of inferior nature under the Military rules.

(6) Discharge certificate and the Controller of Defence Accounts' verification memo. should be filed with the service book or the character roll.

9. At the time of periodical re-attestation of the entries on page 1 of the service books the remarks against entries nos. 3, 6 and 7 should, if necessary, be corrected under the initials of a gazetted officer.

10. The service book should also contain :

(a) A proper record about election of different leave rules, i.e., leave rules in the Civil Service Regulations or Fundamental Rules or Revised Leave Rules of 1931 or 1949 contained in Fundamental Rule 81 or 81-B as amended.

(b) A declaration of the Government servant regarding the election of the revised scale of pay sanctioned with effect from April 1, 1947.

(c) A declaration about the election of the U. P. Contributory Provident Fund-Pension-Insurance Rules, 1948.

(d) The scale of pay of the post whether held substantively in a permanent or temporary capacity or in an officiating capacity should be noted in the columns concerned.

(e) A treasury form no. 430 should be attached to the service book in which record of annual verification of service from local records should be entered under proper attestation. The service from the beginning of the continuous service should be verified as it is required for the calculation of Government share of contribution in the Contributory Provident Fund (1948) as, after lapse of time, the records are destroyed and great difficulty is felt in verifying the service.

(f) When a Government servant is deputed on foreign service, his service books should invariably be sent to the Audit Office for recording therein the period of foreign service, the rate at which leave and pensionary contribution is recoverable, and the date of reversion from foreign service. Unless steps are taken in time to get the above details noted in the service book, difficulty may arise at the time of retirement in settling the claim regarding recovery of pensionary contribution.

(g) The certificate regarding the counting of probationary periods and the nature of vacancies in respect of officiating, S. P. T. and provisionally permanent services should be noted in the service book (Articles 370, 371 and 373, C. S. R.). In the case of officiating promotion, it should be certified in the service book whether the official concerned was the first in the chain of arrangements.

(b) Annual statement of establishment

The annual statement of establishment (Forms 3 and 4, C. A. C.) should be properly compiled and compared with the service books, the instructions in paragraph 127 of the Financial Handbook, Volume V, Part I, being strictly observed.

(c) History of service or service statement

A history of an officer's service (in Form No. 25, C. S. R.) should be drawn up in duplicate within six months before the expected date of an officer's retirement and sent along with his service book to the Accountant General, Pension Department, for verification of service (Article 913, C. S. R.).

At the time of preparation of history of services the following points should be borne in mind :

(i) The class of pension/gratuity on which a Government servant is to retire should be stated at the top of the history of services.

(ii) The date of birth and all the details of service, as shown in the service book, should be entered in full in the history of services. If the date of birth, as stated in the service book, differs from that stated in the establishment returns (Form 3) or the medical certificate the discrepancy should be explained.

(iii) Leave of every description (other than casual), every period of suspension and every other interruption in service with the date of commencement and termination of each such period should be shown in the history of services or a certificate to the effect that the Government servant was never granted leave or suspended, etc., inserted in the history of services.

(iv) If the Government servant has not ceased to be borne on the establishment, a certificate to the effect that the applicant is within the next six months likely to retire from the public service should be inserted at the foot of the history of services.

(v) If a Government servant was appointed to officiate during any period within the last three years of his service, the exact nature of the original vacancy or vacancies causing the chain of arrangements, in which he officiated, should be stated in the history of services in the remarks column [Article 486 (h), C. S. R.].

(vi) It should be certified in the remarks column that service for the last three years has been verified from the local records.

(B) Pension Papers

1. After the services of an applicant for pension have been verified by the Accountant General, Pension Department, the portion of service, if any, not susceptible of verification from the records of that officer should be verified from the records in the local office, or if that be also not possible, in the manner laid down in Article 915(iv), C. S. R. In the latter case a duly attested English translation of the non-English papers, if any, should also be furnished. In a case in which service is proved under Article 915(iv), C. S. R., it should be certified by the sanctioning authority whether the service is accepted as satisfactorily proved. An application (in Form 25, C. S. R.) should then be

drawn up in duplicate and sent along with the necessary papers to the Accountant General's Office for report on the applicant's title to pension.

In this connexion the following points should be carefully observed :

(a) The remarks against entries nos. 1, 2, 3, 4, 5, 6, 7, 13, 14, 15, 16, 17 and 18 on page 1 of the pension application should be made in accordance with the entries in the service book. The entries in columns 1, 2, 3, 4 and 14 should be in block capitals (A, B, C, D) and the left thumb and finger-impressions taken against entry no. 17. The column nos. 8, 9, 10, 11 and 12 should be filled in accordance with the remarks made in the verification memo. endorsed on the history of services by the Accountant General's Office. The date on which pension/gratuity is applied for should be shown against item no. 18. Any delay in applying for pension or in the preparation of the pension papers should be explained briefly (Article 930, C. S. R.).

(b) The remarks against entries nos. 1 and 6 on page 2 of the pension application should be made in terms of Article 912, C. S. R. If the character or service of an applicant be unsatisfactory it should be stated whether any reduction in the amount of pension/gratuity under Article 470, C. S. R. is proposed; if so, the amount of the proposed pension/gratuity as shown on page 1 of the application should also be reduced accordingly. The remark against entry no. 2 should be made in accordance with the entries in the service book. If any pension or gratuity has been awarded in respect of previous service, the amount of pension or gratuity awarded and the detail of previous service should be noted against entry no. 3.

(c) The remark against entry no. 5 should be made in the following manner :

(i) In the case of invalid pension/gratuity the fact that the applicant has been invalided should be stated against entry no. 5 and the certificate of incapacity for further service sent along with the pension application. If the medical certificate has been given by a single medical officer, or bears a date later than that of retirement, the fact that it has been accepted under Articles 442(d) and 912(iv), C. S. R., should also be stated against entry no. 5. It should be noted that service after the date of medical certificate does not generally qualify for pension and should be ignored unless specially authorized by competent authority (Article 455, C. S. R.).

(ii) In the case of compensation pension or gratuity the number and date of the Government Order sanctioning the revision of the establishment and the particulars of the savings effected should be stated against entry no. 5. If the recorded age of the applicant is less than 55 years, detailed reasons for invaliding him should be shown in the medical certificate

[Articles 443(b), (c) and 444, C. S. R.]. If the applicant is declared unfit for a particular branch of the service, it should be certified that employment suited to the particular capacity of the applicant can or cannot be found in any other branch of the public service.

(iii) In the case of superannuation/retiring pension/gratuity the number and date of the order sanctioning the retirement should be noted against entry no. 5 and a copy of the order furnished along with the pension application.

(iv) In order to avoid delay in the issue of Pension Payment Order the sanctioning authority should record on the pension application his provisional recommendation stating whether the pension claimed should be admitted or not [Article 913(c), C. S. R.].

2. The following documents should be sent along with the pension/gratuity application as soon as a Government servant actually retires from service or proceeds on leave preparatory to retirement :

(1) Application for pension in Form no. 25, C. S. R. in duplicate.

(2) Invalid certificate (if the claim is for invalid pension).

(3) Service book duly completed.

(4) Memorandum of average emoluments.

(5) Last pay certificate.

(6) A copy of the first page of the application for pension duly attested.

(7) (a) Two specimen signatures duly attested.

(b) Two slips bearing the left hand thumb and finger impressions and passport size photo duly attested, in the case of non-gazetted Government servants in addition to (a) above.

(8) (a) Declaration from the pensioner regarding non-receipt of any pension/gratuity required under the note below Article 911, C. S. R.

(b) Declaration from the pensioner regarding grant of anticipatory pension required under Article 922(a), C. S. R. if some delay is anticipated in the verification of his services.

(c) Declaration from the Head of the Department to the effect that the special pay included in the average emoluments was of the nature of duty allowance as defined in Article 23-C of the Civil Service Regulations (here state reasons therefor) and that had the Government servant not been on leave or officiated in a higher post during the last three years of his service he would have drawn the special pay (if of the nature of the duty allowance) which he was drawing before proceeding on leave or officiating in the higher post, if the benefit is intended to be given to the pensioner.

3. On receipt of the pension papers in a complete form in the Accountant General's Office, the pension papers with the usual report on the title to pension will be sent to the authority competent to sanction the pension. The pension papers of an applicant on leave preparatory to retirement may, however, be sent without a last pay certificate for report on the title to pension, but the pension in such a case will not be sanctioned more than one month before the date of retirement [Article 919(2), C. S. R.].

4. In the case of a gazetted officer part of whose service has been rendered in non-gazetted appointments the non-gazetted portion of his service should be verified in the same manner as in the case of an officer in superior service whose entire service has been rendered in non-gazetted appointments. A pension application may be drawn up in Form 25, C. S. R. at the time of his retirement (Article 911, C. S. R.). If the application is to be drawn up in Form 25, C. S. R. the procedure as stated above should be observed, but the personal marks for identification and left thumb and finger impressions on page 1 thereof and one slip of paper bearing left thumb-impression are not required. The amount of pension admissible may be calculated under Articles 474, 474-A, 475-A, 486 and 487, C. S. R. and Superior Civil Services Rules, 1924.

5. In the case of an officer whose entire service has been gazetted, the formal verification of service before forwarding the pension application is not necessary. The procedure for the preparation of his pension papers is the same as in the case of a gazetted officer part of whose service has been rendered in non-gazetted appointments.

6. In the case of a Government servant in inferior service, service rolls are to be properly maintained in the same manner as service books are maintained in the case of non-gazetted Government servants in superior service. As the records in the Accountant General's Office in respect of such service are not maintained by name, the verification is to be made from the records in local offices. The portion of service not susceptible of verification from local records should be proved in the manner laid down in Article 915(iv), C. S. R. An English translation, duly attested, of the vernacular papers, if any, should be sent with the application. The amount of pension/gratuity may be calculated under Article 474, C. S. R. A pension/gratuity application should be drawn up in the same manner as in the case of Government servant in superior service.

Anticipatory pensions

Whenever the settlement of the final amount is likely to be delayed beyond one month after the date of retirement, the necessary arrangement for the grant of an anticipatory pension may be made (Article 922, C. S. R.). To admit of the issue of a payment order for an anticipatory pension the following documents should be sent to the Accounts Office :

(a) Copy of the first page of the application for pension (in Form 25, C. S. R.) together with photo in passport size in the

case of non-gazetted servants duly attested by a gazetted officer other than the Treasury Officer of the District from which the Government servant desires to draw pension.

(b) Copy of the last pay certificate.

(c) Copy of the medical certificate if an invalid pension is claimed.

(d) Two slips of papers bearing left thumb-impressions and specimen signatures duly attested by a gazetted officer.

APPENDIX 33

(Referred to in paragraph 733)

COPY OF PARAGRAPH 153 OF AUDIT CODE (1939 EDITION)

153. The results of the inspection and local audit should be set forth in two separate documents—

(1) the Inspection Report, detailing merely the more important defects of procedure and financial irregularities and describing briefly the general state of the accounts and the nature of the financial control over transactions.

(2) the Test Audit Note, dealing with errors and minor irregularities which are not important enough to be brought to the notice of higher authority.

As a rule, trifling matters, which can be and have been set right on the spot or are of no consequence to the finances of the State, need not be mentioned, but if a number of similar points is noticed, it may be desirable to mention the type of error or irregularity, with one or more instances so that proper instructions may be issued for the future guidance of the Government servants concerned. It is desirable that statements and figures in relation to any defects or irregularities discovered should be based on clear documentary evidence. It is not sufficient to quote the rule or the order violated; the actual or possible effect of such deviation on the financial interests of Government should be explained clearly. Particular care should be taken in regard to the language and tone of the report. The Inspection Report should be completed before the Inspecting Audit Officer leaves the office inspected and it should not be signed until the officer in charge of the office (or any other officer acting on his behalf) has been given the opportunity of reading and discussing it and suggesting any omissions or modifications. The Inspection Report should be as brief as possible but the points raised in it should be pursued until finally settled. The Audit Note does not require a reply in detail, but it should be verified at a subsequent inspection that adequate notice was taken of it.

APPENDIX 34*(Referred to in paragraph 789)***METEORITES**

There are two varieties of aerolites, or meteorites, that have been seen to fall from space. The one consists of stony masses, often containing particles of iron ; and of these many have been observed in their fall; the other variety is composed, for the most part, of iron.

It is a matter of great interest and of importance to science that as many as possible of these bodies should be collected for comparison, and that all the circumstances accompanying their fall be carefully recorded ; and persons who, in the event of a "fire ball" being seen, or of a mass having fallen, in their neighbourhood, will carefully collect facts regarding them, may make a very valuable contribution to the Science.

For this purpose, inquiries should be instituted at once into the circumstances accompanying the fall of any meteoritic mass, and into the state of any such mass when it has fallen ; and as regards any meteoric appearance in the sky, it will be found advisable, after noting carefully the point in the heavens at which the meteor made its appearance, to give as accurately as possible the direction of its track and the point at which it disappeared.

The points to which special attention is invited are enumerated in the following two series of inquiries :

A

1. Note the exact position of the observer, according to latitude and longitude or position with regard to a village, and give the name, direction and distance of the nearest important place (P. S., R. S., P. O. and c.).
2. Give the hour, day of month, and year.
3. Give the apparent size of the luminous ball, as compared with the full moon.
4. Its shape whether round, pear-shaped, or otherwise ; and if elongated, in what direction.
5. It is particularly important to note the place where the meteor is first seen with reference to the observer.
6. State the duration of the phenomena.
7. Whether the ball again dwindles away to the semblance of a star, and then disappears, or whether it retains to the last its full size, or then, as is often the case, divides into several balls or stars.
8. Give the colours.
9. Record any facts that can be gathered concerning detonations or noises accompanying the other phenomena.
10. Endeavour to collect statements relating to the actual fall to the earth of any solid bodies.
11. Do they consist of stone, or iron, and is there anything peculiar in their structure ?

12. Was the body red-hot, or warm, or did it exhibit evidence of having been warm outside and cold within—as, for instance, by being hot at first and intensely cold, afterwards ?

13. It is desirable, further, to notice the depth to which, and the direction in which the aerolite has penetrated the earth; also to state the nature of the soil, the effect produced on it by the aerolitic mass, and the position in which the aerolite was found to be lying in the ground.

The second series of inquiries has for its object the acquisition of a more precise knowledge regarding the aerolites themselves. For this, it is important to preserve, and to collect, for the purpose of analysis and of scientific comparison, as many of these bodies as possible.

B

1. Endeavour to get the meteorites as soon as possible after their fall, to prevent them from being injured, fractured, or wetted.

2. If not entire, try to procure fragments.

3. Give an accurate description of their colour, the external lustre and, if broken, the nature of the substance or substances exhibited by the fracture; and specially be careful to describe the form of the aerolitic mass, whether angular or rounded, whether prismatic, or otherwise exhibiting an approximation to any geometrical figure. Also state whether its surface is smooth, or marked by any peculiar kind of roughness, or pitted with hollows.

4. From masses of iron or stone still lying on the earth, and too large to be brought away, detach specimens of good size, say from 20 lb. to 50 lb. weight, and collect all obtainable information, with detailed descriptions, drawings, measurements, historical accounts, and c. In breaking, as little damage should be caused, as possible, to the large mass which should be guarded from further unauthorized breakage till advised by the Geological Survey Department.

APPENDIX 35

(Referred to in paragraph 800)

SUMMER UNIFORMS AND WINTER LIVERIES

A—Summer Uniform

Name of office, etc.	Class of employ- ees for whom sanctioned	Renewable	Remarks
All Government Offices	Permanent jamadars, orderlies and peons attached to Gazetted Officers	Every second year.	The supply is also admissible to those temporary peons who are attached to Gazetted Officers and are likely to be retained in Government service for at least 2 years.
Office of the Secretary to the Governor.	Jamadar .. Daftaris Chobdars Assistant Daftar Peons Tindals Furniture Bearers Khalasis Farrash Chowkidar Dispensary orderly.	Every second year.	
The Secretariat Offices	Jamadars .. Daftaris Orderly peons Peons Farrashes Tindal Sweepers Chowkidars Watermen Bhistis Thelamen Head Mali Carpenter.	Every second year (Except pyjamas which are supplied every year.)	The supply is also admissible to those inferior servants who are holding quasi-permanent posts.
Legislative Assembly	Jamadars .. Nail Jamadars Daftaris Orderly peons Peons.	Ditto ..	The supply is also admissible to those temporary inferior servants who have completed 2 years' temporary service.
Legislative Council ..	Jamadars .. Orderly peons Peons Daftari.	Ditto	
Office of the High Court of Judicature.	Jamadars .. Peons Farrashes Bundle-lifters Daftaris Firemen Watermen Coolies Bhisti Sweepers Chowkidar Liftmen.	Every year ..	The supply is also admissible to the inferior servants who are holding temporary posts.

Name of office, etc.	Class of employ- ees for whom sanctioned	Renewable	Remarks
Board of Revenue	Jamadars .. Daftaris Tindals Firemen Bearer Bundle-lifter Orderly peons Chowkidars Farrashes Watermen Local Dak peons Khalasis Sweepers.	One set every year. Those attached with Gazetted Off- icers are sup- plied two sets after 2 years.	The supply is also ad- missible to the infe- rior servants who are holding temporary posts.
Office of the Secretary, Public Service Com- mission.	Jamadars .. Daftaris Peons Farrashes Watermen Sweepers Bundle-lifter.	Every second year (Except 2 pyjamas which are sup- plied every year).	
B—Winter Liveries			
All Government offices	Permanent Jamadars Orderlies and Peons attach- ed to Gazetted Officers and all permanent office peons.	Every third year in plains and every second year in hills.	The supply is also ad- missible to those tem- porary peons who are attached to Gazetted Officers and are likely to be retained in Government service for at least three years.
Office of the Secretary to the Governor.	Jamadars .. Daftaris Chobdars Assistant Daftari Peons Tindals Furniture Bearers Khalasis Farrash Chowki- dar Dispensary or- derly.	Every second year.	
The Secretariat offices	Jamadars .. Daftaris Orderly peons Peons Farrashes Tindal Sweepers Chowkidars Watermen Bhistis Thelamen Head Mali Carpenter.	Every third year	The supply is also ad- missible to those inferior servants who are hold- ing quasi-permanent posts.
Legislative Assembly	Jamadars .. Naib-Jamadars Daftaris Orderly peons Peons.	Every third year	The supply is also ad- missible to those tem- porary inferior ser- vants who have com- pleted 3 years' tem- porary service.

Name of office, etc.	Class of employees for whom sanctioned	Renewable	Remarks
Legislative Council ..	Jamadars .. Orderly peons Peons Daftari.	Every third year.	
Office of the High Court of Judicature.	Jamadars .. Peons Farrashes Bundle-lifters Daftaris Fireman Watermen Coolies Bhisti Sweepers Chowkidar Liftmen.	Every third year	The supply is also admissible to the inferior servants who are holding temporary posts.
Board of Revenue ..	Jamadars .. Daftaris Tindals Firemen Bearer Bundle-lifter Orderly peons Chowkidars Farrashes Watermen Local Dak Peons Khalasis Sweepers.	The inferior servants attached to the hill-going officers are supplied winter liveries every second year and the remaining every third year.	The supply is also admissible to the inferior servants who are holding temporary posts.
Office of the Secretary, Public Service Commission.	Jamadars .. Daftaris Peons Farrashes Watermen Sweepers Bundle-lifter.	Every third year.	

C—Blankets

All Government offices	All Chowkidars	Every second year in the hills and every third year in the plains.	
Government offices in the hills.	Peons of all classes.	Every second year.	
Office of the Secretary to the Governor.	Jamadars .. Daftaris Chobdars Assistant Daf-tari Peons Tindals Furniture Bear-ers Khalasis Farrash Chowki-dar Dispensary orderly.	Every second year.	

Name of office, etc.	Class of employees for whom sanctioned	Renewable	Remarks
The Secretariat offices	Jamadars .. Daftaris Orderly peons Peons Farrashos Tindal Sweepers Chowkidars Watermen Bhistis Thelamen Head Mali Carpenter.	Every third year	The supply is also admissible to those inferior servants who are holding quasi-permanent posts.
Legislative Assembly	Jamadars .. Daftaris Naib-Jamadars Orderly peons Peons.	Every third year	The supply is also admissible to those temporary inferior servants who have completed three years' temporary service.
Legislative Council ..	Jamadars .. Orderly peons Peons Daftari.	Every third year.	
Office of the High Court of Judicature.	Jamadars .. Peons Farrashes Bundle-lifters Daftaris Firemen Waterman Coolies Bhisti Sweeper Chowkidar.	Every third year	The supply is also admissible to the inferior servants who are holding temporary posts.
Board of Revenue ..	Jamadars .. Daftaris Tindals Firemen Bearer Bundle lifter Orderly peons Chowkidars Farrashes Watermen Local Dak Peons Khalasis Sweepers.	The inferior servants attached to the hill-going officers are supplied blankets every second year and the remaining every third year.	The supply is also admissible to the inferior servants who are holding temporary posts.
Office of the Secretary, Public Service Commission.	Jamadars .. Daftaris Peons Farrashes Watermen Sweepers.	Every third year.	

APPENDIX 36

(Referred to in paragraph 801)

FORM OF STOCK-BOOK

Stock-book of live-stock and consumable and perishable stores for the office of the dead-stock and furniture.....

Name and description of article (e.g., chairs, almirahs, etc.).

Date of receipt	Number of pieces	Initial cost (purchase price)	Initials of officer-in-charge	Date of inspection	Remarks about the conditions of the article, etc., as found at time of inspection. Orders regarding condemnation, etc.	Details of number articles property pieces disposed of	Date of disposal	Value realized	Number and date of Treasury challan	Initials of Officer-in-charge	Remarks (regarding reference to papers, etc.)
1	2	3	4	5	6	7	8	9	10	11	12

Instructions

1. This form should be ruled on ordinary foolscap paper. Spare specimen copies of the form can be obtained from the Superintendent, Printing and Stationery. The same stock-book may be used for a number of years.

2. A separate page (or more pages than one, where a large number of receipts of the article are expected) should be assigned to each class of article.

3. Every article must be entered in the proper stock-book immediately on receipt.

4. Every entry should be initialled by the official concerned.

5. Whenever an article is condemned, a note about the condemnation should be recorded in column 6.

6. The number of articles should be totalled at the end of each page, and also on the expiry of the financial year.

Verification Report

Date	Reference to Ledger Folio	Article	Surplus	Deficit			Remarks (a)	Orders of the Head of Institutions
				Number of quantity	Cost			
					Rs.	a. p.		

(a) Reason for surplus or deficit should be recorded in this column.

Index Sheet

Article	Ledger folio	Article	Ledger folio	Article	Ledger folio

Article

Description_____

Max. No. _____

Min. No. _____

Receipts

Issues

[illegible]

APPENDIX 37

(Referred to in paragraph 836)

The U. P. Inland Steam Vessels Registration Rules. 1951

PUBLIC WORKS DEPARTMENT

MISCELLANEOUS

November 14, 1951

No. 4191-W/XXIII—160-W-50.—In exercise of the powers conferred under section 19-R of the Inland Steam Vessels Act, 1917, as amended by the Inland Steam Vessels (Amendment) Act, 1951, the Governor of Uttar Pradesh is pleased to make the following rules after previous publication of their draft in the Extraordinary issue, dated August 10, 1951 of the *Uttar Pradesh Gazette*, under notification no. 2946-W/XXIII—160-W-50, dated August 10, 1951.

The Uttar Pradesh Inland Steam Vessels Registration Rules, 1951, made in exercise of the powers conferred under section 19-R of the Inland Steam Vessels Act, 1917 (Act I of 1917) as amended by the Inland Steam Vessels (Amendment) Act, 1951.

1. *Short title and application*—(1) These rules may be called the Uttar Pradesh Inland Steam Vessels Registration Rules, 1951.

(2) They shall, save as expressly provided otherwise, apply to all inland steam vessels in the State of Uttar Pradesh.

2. *Definition*—In these rules, unless there is anything repugnant in the subject or context—

(a) “Act” means the Inland Steam Vessels Act, 1917.

(b) “Registering Authority” means the officer appointed as such under sub-section (1) of section 19-B of the Act.

(c) “Government” means the State Government of Uttar Pradesh.

3. *Application for registration*—(1) Every application for registration of an Inland Steam Vessel shall be made by the owner or master of the vessel to the Registering Authority of the district in Form I at least fifteen days before the date on which the registration certificate is desired.

(2) The application shall be accompanied by a treasury chalan showing the deposit of the registration fee according to Schedule I as well as a certified copy of the certificate of survey in respect of the vessel which is to be registered. In case registration is desired to be made at a place other than the one in which the owner resides or carries on business or, if the owner is a company, at a place other than the one in which the principal office of the company is situated, the application should also be accompanied by a copy of the letter conveying the approval of such registration from the Government of the State in which the owner resides or carries on business or, the company has its principal office.

4. *Inspection and survey by the Registering Authority*—On receipt of the application for registration, the Registering Authority shall at least three days before the date fixed for inspection send a notice in Form II to the applicant informing him of the date and time at which the inspection for registration shall be made. It shall be the duty of the master or owner of the vessel to furnish all such information as may be required by the Registering Authority, and to afford all reasonable facilities to the Registering Authority in carrying out the inspection of the vessel in such manner as it deems necessary for the purpose of satisfying itself that the provisions of the Act and the rules framed thereunder have been complied with.

5. *Certificate of registration*—The Registering Authority shall, after satisfying itself that the provisions of the Act and the rules made thereunder have been complied with, grant a certificate of registration in Form III and assign a registration mark for the vessel. It shall be the duty of the owner and master of the vessel to keep the certificate of registration on board the steam vessel and to produce it on demand by the Registering Authority or by any such authority as may be notified by Government in the official *Gazette*.

6. *Registration mark*—The registration mark assigned to the vessel shall be displayed on the port and star board side of the vessel at midship at a prominent place. The letters and figures of the registration mark shall be 6" x 7" and the registration mark shall be put below the name of the vessel. It shall not be lawful for any owner, agent or master of vessel to give any name to such vessel other than by which she is registered.

7. *Book of registration*—A book of registration shall be maintained by the Registering Authority in a bound volume in Form IV separately for each vessel registered, and shall contain all the particulars given in the certificate of registration.

8. *Registration of alterations*—(1) When a registered inland steam vessel is so altered as not to correspond with the particulars relating to its tonnage and description as shown in the book of registration, the alteration shall be got recorded by the Registering Authority or the vessel shall be re-registered if it so directs. In exercising the discretion as to whether the alteration should be made in the certificate of registration or whether the vessel should be registered anew, the Registering Authority shall be guided by the following principles:

(a) It shall require registry anew, (i) whenever any material alteration is made in the hull affecting the length, breadth or the depth of the vessel, and (ii) whenever there is an alteration in the means of propulsion, for instance, a change from steam to motor or vice versa or the addition or removal of an auxiliary engine.

(b) It will not be required to register anew if the alteration consists merely of (i) a change in the dimensions of the engine rooms or other closed-in spaces, (ii) the addition

or removal of a poop or deck houses, etc., (iii) an allowance or disallowance of crew space of other similar change, or (iv) an alteration from motor screw to steam screw or the reverse.

(2) Within one month of any such alteration, the owner or his agent shall report in Form V to the Registering Authority of the place, where the vessel is registered giving full particulars regarding alteration made together with the prescribed fee and the certificate in force for the vessel at the time of report and other supporting documents for recording the alterations made or for registering anew, as the case may be.

(3) On receipt of the report of alterations, the Registering Authority shall after satisfying itself that the vessel is not defective in hull machinery or equipment and is river worthy, either issue a fresh certificate of registration or shall make such alterations in the certificate of registration in force as he may consider necessary. In case the Registering Authority feels that the vessel should be surveyed again before a fresh certificate of registration is issued, it shall issue a provisional certificate to the applicant describing the vessel as altered or provisionally endorse the alteration, on the existing certificate and direct him to arrange for registration anew within one month.

9. *Transfer of registry*—The owner or master of an inland steam vessel may, if considered necessary, apply for transferring the registration of his vessel to another place in the same or another State in Form VI. The application for such transfer shall be made to the Registering Authority of the place, where the vessel is registered together with a treasury chalan for the prescribed fee and the certificate of registration in respect of the vessel. If the transfer is to be made to a place in another State, the application for transfer should also be accompanied by an authentic copy of the letter indicating the approval of the State or Central Government to such transfer. The Registering Authority shall, on receipt of such an application, satisfy itself that the proposed transfer is unobjectionable and thereafter forward it to the Registering Authority of the intended place of registry and the latter shall return the certificate of registration to the applicant after making necessary entries in his book of registration as well as on the certificate.

10. *Transfer of ownership of a registered vessel*—The application for permission to transfer ownership of the vessel to a person resident in another State or a country outside India shall be submitted through the Registering Authority of the place, where the vessel is registered to the Government of the State or the Central Government as may be required and should be accompanied by the prescribed fee. After obtaining the sanction of Government of the State in which the vessel had been registered, the ownership may be transferred. Within thirty days of the transfer of ownership of the vessel, the transferor and the transferee shall jointly report of the transfer in Form VII to the Registering Authority of the place, where the transferee resides or carries on business and shall also forward the original certificate of registration and the treasury chalan for the fee prescribed for registration of the vessel in the transferee's name. If the Registering

Authority is satisfied that the documents are in order, and that the vessel is not mechanically defective and is riverworthy it shall re-register the vessel in the name of the transferee.

11. Loss, destruction or mutilation of certificate of registration—

(1) If at any time a certificate of registration is lost, destroyed or mutilated, the owner shall forthwith intimate the facts in writing to the Registering Authority by whom the certificate was issued and shall apply in Form IX, to the said authority for the issue of a duplicate certificate. The application for the duplicate should be accompanied by the treasury chalan for the prescribed fee and the mutilated certificate if the duplicate is required in place of a mutilated one.

(2) On receipt of such an application, the Registering Authority shall issue a duplicate certificate with the word "Duplicate" clearly stamped in red ink on it.

(3) When a duplicate certificate of registration has been issued because the original has been lost or destroyed, the original is subsequently found by the holder, the original shall be delivered forthwith to the Registering Authority.

12. Appellate Authority—(1) Any person preferring an appeal against the orders of the Registering Authority in respect of any matter relating to the registry of vessels shall do so in writing to the Secretary to the State Government in the appropriate department in the form of a memorandum in triplicate, setting forth concisely the ground of objection to the order of the Registering Authority, accompanied by a certified copy of the order and a treasury chalan for the prescribed fee.

(2) Upon receipt of an appeal in accordance with sub-rule (a) above, the State Government shall appoint the time and place for hearing the appeal and shall give not less than fifteen days' notice to the appellant, the Registering Authority and any other person interested in the appeal.

13. Fees—All fees to be paid under rules called "prescribed fees" in these rules are shown in Schedule I and shall be credited to the Receipt Head "XLVI—Miscellaneous—Miscellaneous receipts from fees under the U. P. Inland Steam Vessels Registration Rules, 1951".

14. General—(1) The Registering Authority or any officer authorized by the Government in that behalf may go on board, detain, or inspect any steam vessel at any hour for the purpose of satisfying himself that the provisions of the Act, are being complied with. It shall be the duty and responsibility of the owner and/or master of the steam vessel to give all reasonable assistance to the inspecting officer in carrying out the inspection and to comply with any lawful direction that he may give.

(2) In case any vessel is detained, a report of the circumstances in which the detention is ordered shall be sent to the Government with the least possible delay.

FORM I

[Sec RULE 3(1)]

Application for the Registration of a Steam Vessel under section 19-D of the Inland Steam Vessels Act, 1917.

1. Name and address of owner.
2. Name of the vessel.
3. Place of last registration, if any.
4. Previous registration mark, if any.
 - (a) Gross tonnage.....(b) Registered tonnage.....
5. *Particulars of vessels—*
 - (a) Length overall.
 - (d) Breadth.
 - (c) Depth.
 - (d) Make.
 - (e) Year of make.
 - (f) Hull is of wood, steel, etc.
6. *Engine—*
 - (a) Steam or internal combustion engine.
 - (b) Description.
 - (c) Number of set.
 - (d) Made by.
 - (e) Year of make.
 - (f) Surface, jet or non-condensing.
 - (g) Number of cylinders per set.
 - (h) Diameter of cylinder.
 - (k) Stroke.
 - (l) R. P. M.
 - (m) N. H. P.
7. *Boilers—*
 - (a) Type.
 - (b) Number of boiler.
 - (c) Heating surface.
 - (d) Grate area.
 - (e) Working pressure.....per square inch.
 - (f) Made by.
 - g) Year of make.
 - (h) Made of iron and steel, etc.

8. *Propulsion*—

Single, twin screw, side, quarter or stern paddle, etc.

Revolution per minute.

Propulsion geared or direct driven.

Speed of vessel.

9. *Equipment*—

(a) Boats				Number
Size	Length	Breadth	Depth	Capacity cubic feet

(b) Lifebuoys, number and description.

(c) Buoyance apparatus number.

(d) Ground tackle warps, etc.

Bow anchor number..... weight.

Kedge anchor number..... weight.

Span anchor number..... weight.

(e) Length, description and size of each cable.

(f) Warps and Howsers—number, description, size, length of each.....

(g) Number of loads..... weight each.

(h) Number of line length each.

(i) Fire apparatus—

(i) Pumps and hose number.....type.....

(ii) Size.....where located.....

(iii) Hose number.....

Hose length of each.....

(iv) Bucket number.....

(v) Chemical extinguisher number.....

Ditto type.....

Ditto capacity.....

Ditto where located.....

(k) Pump-Bilge.....fire.....

Hand.

Main engine.

Independent engine.

Electrical number.....Type of generator.....

Engine room crew.....

Deck crew.

Passengers—

Main deck area for deck (only) passenger.

Upper deck area for deck (only) passenger.

Budge deck area for deck (only) passenger.

A	B	C		
When plying by night on smooth and partially smooth water only	When plying by day on smooth and partially smooth water only	When plying by day on voyages which do not exceed six hours on water only	2nd class passenger	Saloon passenger
One twin deck, if any—				
Main deck				
Upper deck				
Budge deck				

Two children under 12 years of age will be reckoned as one passenger.

Encumbrance—If space measured for passenger is encumbered by cattle cargo, or other article, then one passenger is to be deducted from the foregoing table for each.

9 square feet of passenger area encumber when plying as A above.

6 square feet of passenger area encumber when plying as B above.

3 square feet of passenger area encumber when plying as C above.

Towing by the vessel while plying with passenger is prohibited/ permitted as follows only :

Plying limits—

I hereby apply to you for the registration of the vessel above named description.

I paid into the Treasury at a fee of Rs. in respect of registration.

I attach duplicate treasury chalan for the total amount paid.

I agree to pay on demand such extra fee as may be leviable under rules.

I enclose a copy of the certificate of survey in Form in respect of the vessel.

Dated the 19 .

Signature of owner/master.

To

THE REGISTERING AUTHORITY

I HEREBY certify that I have received the duplicate treasury chalan
no.....for Rs.....annas.....
pies.....on account of Registration of vessel above named.

Accountant,

Dated at *Office of the Registering Authority.....*
This day of 19 .

FORM II

(See RULE 4)

*Appointment of date and time of the inspection of the Steam
Vessel by the Registering Authority*

FROM

THE REGISTERING AUTHORITY OF INLAND STEAM VESSELS

To

**THE OWNER/MASTER OF THE INLAND STEAM VESSELS
(NAME.....)**

The.....19 .

SIR,

I have to acknowledge receipt of your application for registra-
tion of the vessel named above under the Inland Steam Vessels
(Amendment) Act, 1951 and to state that I shall proceed on board the
vessel at o'clock of the day of 19 .

2. You are requested to afford all reasonable facilities for the
registration of the steam vessel and all such information respecting
the steam vessel and her machinery or any part thereof and all
equipment and articles on board as may be required for the purpose
of the registration.

Yours faithfully,

*Registering Authority,
Inland Steam Vessels.*

FORM III

(See RULE 5)

*Certificate of Registration of Steam Vessel under section
19-F of the Inland Steam Vessels Act, 1917*

Certificate of Registration no..... is granted by the Government of.....under section 19-F of the Inland Steam Vessels (Amendment) Act, 1951, for the Inland Steam Vessel, description of which is given below :

To remain in force unless cancelled or suspended.

(1) Name and address of owner.

(2) Name of the vessel.

(a) Gross tonnage.....(b) Registered tonnage.....

1. *Particulars of vessels—*

(a) Length overall.

(b) Breadth.

(c) Depth.

(d) Make.

(e) Year of make.

(f) Hull is of wood, steel, etc.

2. *Engines—*

(a) Steam or internal combustion engine.

(b) Description.

(c) Number of set.

(d) Made by.

(e) Year of make.

(f) Surface, jet or non-condensing.

(g) Number of cylinder per set.

(h) Diameter of cylinder.

(k) Stroke.

(l) R. P. M.

(m) N. H. P.

3. *Boilers—*

(a) Type.

(b) Number of boiler.

(c) Heating surface.

(d) Grate area.

(e) Working pressure.....per square inch.

(f) Made by.

(g) Year of make.

(h) Made of iron and steel, etc.

4. Propulsion—

Single, twin screw, side, quarter or stern paddle, etc.

Revolution per minute.

Propulsion geared or direct driven.

Speed of vessel.

5. Equipments—(a) Boats Number

<i>Size</i>	<i>Length</i>	<i>Breadth</i>	<i>Depth</i>	<i>Capacity cubic feet.</i>
-------------	---------------	----------------	--------------	-----------------------------

(b) Lifebuoys, number and description.

(c) Buoyance apparatus number.

(d) Ground tackle warps, etc.

Bow anchor number.....weight.

Kedge anchor number.....weight.

Span anchor number.....weight.

(e) Length, description and size of each cable.

(f) Warps and Howsers—number, description, size, length of each.....

(g) Number of loads.....weight each.

(h) Number of line.....length each.

(i) Fire apparatus—

(i) Pumps and hose number.....type.

(ii) Size.....where located.....

(iii) Hose number.....

Hose length of each.....

(iv) Bucket number.....

(v) Chemical extinguisher number.....

Ditto type.....

Ditto capacity.....

Ditto where located.....

(j) Pump-Bilge Fire

Hand.

Main engine.

Independent engine.

Electrical number.....type of generator.....

Engine room crew.....

Deck crew.....

Passengers—

Main deck area for deck (only) passenger.

Upper deck area for deck (only) passenger.

Budge deck area for deck (only) passenger

A	B	C		
When plying by night on smooth and partially smooth water only	When plying by day on smooth and partially smooth water only	When plying by day on voyages which do not exceed six hours on smooth water only	2nd class passenger	Saloon passenger
One twin deck, if any				
Main deck				
Upper deck				
Budge deck				

The children under 12 years of age will be reckoned as one passenger.

Encumbrance—If space measured for passenger is encumbered by cattle cargo, or other article, then one passenger is to be deducted from the foregoing table for each.

9 square ft. of passenger area encumber when plying as A above

6 square ft. of passenger area encumber when plying as B above.

5 square ft. of passenger area encumber when plying as C above.

Towing by the vessel while plying with passenger is prohibited; permitted as follows only :

Plying limits—

This certificate of registration is to be produced for inspection on demand by any authority authorized by the State Government.

This certificate must be surrendered to the Registering Authority if so required by him.

While the certificate is in force the vessel's name and registration mark as painted or otherwise marked in position approved by the Government of Uttar Pradesh is not to be removed or defaced.

After any accident the information of accident and extent of damage to the vessel and its equipment must be reported to the Registering Authority and to the nearest police station.

By order of the Government of

The.....day of.....19 ..

.....

Registering Authority.

FORM IV

(See RULE 7)

*Registration Book under section 19-C of the Inland
Steam Vessels Act, 1917*

Name of the owner.....

Address of the owner.....

.....

.....

.....

Name of the vessel.....

Registration mark.....

Description of Steam Vessel

1. (a) Gross tonnage.....(b) Registered tonnage.....

2. *Particulars of vessels—*

(a) Length overall.

(b) Breadth.

(c) Depth.

(d) Make.

(e) Year of make.

(f) Hull is of wood, steel, etc.

3. *Engine—*

(a) Steam or internal combustion engines.

(b) Description.

(c) Number of set.

(d) Made by.

(e) Year of make.

(f) Surface, jet or non-condensing.

(g) Number of cylinder per set.

(h) Diameter of cylinder.

(k) Stroke.

(l) R. P. M.

(m) N. H. P.

4. *Boilers—*

- (a) Type.
- (b) Number of boiler.
- (c) Heating surface.
- (d) Grate area.
- (e) Working pressure.....per square inch.
- (f) Made by.
- (g) Year of make.
- (h) Made of iron and steel, etc.

5. *Propulsion—*

Single, twin screw, side, quarter or stern paddle, etc.

Revolution per minute.

Propulsion geared or direct driven.

Speed of vessel.

6. *Equipments—*

(a) Boats—		Number		
Size	Length	Breadth	Depth	Capacity cubic feet

(b) Lifebuoys, number and description.

(c) Buoyance apparatus number.

(d) Ground tackle warps, etc.

Bow anchor number.....weight.

Kedge anchor number.....weight.

Span anchor number.....weight.

(e) Length, description and size of each cable.

(f) Warps and Howsers—number, description, size, length of each.....

(g) Number of loads.....weight each.

(h) Number of line.....length each.

(j) Fire apparatus—

(i) Pumps and hose number.....type.....
size.....where located.....

(ii) Hose number.....
Hose length of each.....

- (iii) Buckets number.....
- (iv) Chemical extinguishers number.....
- Ditto type
- Ditto capacity
- Ditto where located.....
- (k) Pump Bilge..... Fire.....
- Hand.
- Main engine.
- Independent engine.
7. Electrical number.....type of generator.....
8. Engine room crew.....
9. Deckcrew
10. Passengers—
- Main deck area for deck (only) passenger.
- Upper deck area for deck (only) passenger.
- Budge deck area for deck (only) passenger.

FORM V

*Application of registration of alteration/issue of a fresh certificate of
registration under sub-section (2) of section 19-J of the
Inland Steam Vessels Act, 1917*

To

THE REGISTERING AUTHORITY

.....

SIR,

Dated.....19

I,..... of being
the owner of an inland steam vessel (name).....
bearing no.....hereby beg to report that the following
alterations have been carried out on the vessel on.....19
I, therefore, apply for registering the alterations for the issue of a fresh
registration certificate. I enclose herewith a duplicate copy of a
treasury chalan showing the deposit of the necessary fees. I also enclose
herewith the original certificate of registration.

.....

Signature of the owner of the vessel.

FORM VI

Application for transfer of Registry

To

THE REGISTERING AUTHORITY.

.....

I,.....of.....being the owner of an inland steam vessel (name).....no..... hereby request that the registry of the said vessel may kindly be transferred from your register to the Registering Authority of.....in the State of..... The certificate of registration is enclosed herewith. The certificate of registration will be forwarded to the Registering Authority of.....on demand. Treasury chalan for Rs.....is also enclosed.

Place.....

.....

Date.....

Signature of owner.

FORM VII

Application for transfer of ownership

To

THE REGISTERING AUTHORITY,

.....

I,.....forward herewith the certificate of registration of inland steam vessel (name).....no..... the ownership of which has been transferred to me by..... and hereby request that the said inland steam vessel may be registered in my name and the certificate of registration amended accordingly. The order of the Government of..... sanctioning the transfer is also enclosed.

.....

Date.....

Signature of Transferee.

I,....., hereby certify that I have transferred the ownership of the above-mentioned vessel to.....

.....

Signature of Transferor.

FORM VIII

Intimation of loss, destruction or mutilation of the certificate of registration and application for duplicate

To

THE REGISTERING AUTHORITY,

.....

The certificate of registration of my inland steam vessel (name) the registration mark of which is.....has been lost/destroyed/mutilated* in the following circumstances.....

The mutilated certificate is attached hereto.

I hereby declare that to my knowledge the registration of the vessel has not been either suspended or cancelled under any of the provisions of the Act or Rules made thereunder, and I herewith deposit the fee of Rs.....and apply for the issue of a duplicate certificate of registration.

.....
Signature of applicant.

Date.....

Address.....

.....

Schedule I

Showing fees payable under Chapter II-A of the Inland Steam Vessels Act, 1917

(a) On initial registration the scale of fees payable will be as follows:

			Rs.
Vessels up to and including 50 tons gross	..	..	20
Vessels from 51 to 100 tons gross	..	..	30
Vessels from 101 to 200 tons gross	..	..	40
With Rs. 10 for every additional 100 tons or fraction thereof.			

(b) For registering any vessel which has been registered under the Merchant Shipping Act, 1894, as amended by any subsequent enactment Rs.

10

(c) Registration anew directed by the registering authority. Half the rates indicated against (a) above.

Rs.

(d) Registration of alterations to a vessel .. 5

(e) Issue of duplicate certificate .. 5

(f) Registration as a result of transfer of ownership within the same or different State. Half the rates indicated against (a) above.

Rs.

(g) Appeal against the decision of Registering Authority. 50

*Strike out whichever is inapplicable.

(Referred to in paragraph 844)

Statements showing particulars of electric installation belonging to.

Name and address of factory, workshop or premises	Location of power house		Name and address of owner		Source of power	Total capacity in Kilowatt	D. C. or A. C.	Voltage of Generation Transmission Supply			Distance of transmission	Whether energy is sold to others and public roads crossed	Load connected Kilowatt	Purpose for which power is used	Maximum load recorded in Kilowatt	Faults generated per annum	Notes charged, if any
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APPENDIX 39

651

(Referred to in paragraph 884)

*Instructions for the disposal of lost property left in Government
Road Transport or on station premises*

Transport
Commis-
sioner's Cir-
cular no.
50 (letter
no. 3108-
RW, dated
April 29,
1949).

The following rules should be adopted in disposing of lost property left in Government Roadways buses or at station premises :

(1) As soon as passengers alight at a bus station or terminus, the conductor, or the driver if there is no conductor, should look round to see if any luggage, parcel or other article is left behind in the bus.

(2) Any such property left behind shall be taken into custody by a conductor or driver who should record particulars of the property in the trip sheet or in the prescribed diary specially provided for the purpose.

(3) On arrival of the bus at the terminus the property shall be handed over to the officer in charge of the station or depot and his signature obtained in the trip sheet or diary in token of his having received this property from the conductor or driver.

(4) The officer in charge of the station or depot shall record full details in the lost property register.

(5) If any article is found in the premises of the Roadways the property shall similarly be handed over to the officer in charge of the station who shall record full details in the lost property register.

(6) If the lost property is a sealed or locked trunk or box it should not be opened but it should be handed over to the officer in charge of the depot or station who shall record its full outward description in the lost property register.

(7) If the lost property is a locked trunk or box, the depot or station officer shall place a proper label over the lock and seal it in such a way that the box or trunk cannot be opened without signs of tampering being visible.

(8) If the lost property is a bundle and not a locked box or trunk it should be opened by the depot or station officer in the presence of two witnesses and details of the contents recorded in the lost property register.

(9) A report of the property with its full description should be sent to General Manager's office as soon as property is found.

(10) If any lost property is found and handed over to the depot or station officer by any person other than the conductor or driver, the depot or station officer shall give a receipt for the article received and follow the procedure indicated above.

(11) It is the personal responsibility of the depot or station officer to keep the lost property register and the lost property in safe custody and if any such property is lost or mislaid it will be treated as gross dereliction of duty entailing liability for disciplinary action.

(12) If any lost article is claimed the depot or station officer as the case may be, should check the *bona fides* of the claimant by verifying :

(a) Whether the ticket purchased by the claimant was issued from the particular conductor's ticket book ;

(b) whether the party is in a position to declare the contents of the package claimed ;

(c) whether the conductor can recollect that the claimant had travelled in that bus ;

(d) any other indication of identity.

(13) After verifying all possible details and after satisfying himself that the claim is genuine the officer may hand over the article to the party in the presence of two witnesses after following the procedure in clause (14) and obtaining a proper receipt from the claimant.

(14) Before handing over the property to the claimant the latter should furnish an indemnity accepting liability and absolving the Roadways from all responsibility whatsoever in respect of any claim concerning such property.

(15) All articles not claimed within one month shall be made over to the appropriate police station with details in the prescribed form, a receipt should be obtained from the police station and the necessary entries made in the lost property register.

(16) In case of unclaimed perishables a depot or station officer may dispose of such articles by public auction at the risk and expense of the owner before they deteriorate. Particulars of the sale should be recorded in the lost property register and a statement submitted to the General Manager in each case. A certificate from the Medical Officer that in his opinion the articles could not have been kept longer safely must invariably accompany the particulars of sale.

APPENDIX 40

(Referred to in paragraph 931)

INSTRUCTIONS FOR REPORTING OF VITAL STATISTICS AND EPIDEMICS

A—VITAL STATISTICS

1. *Initial records*—(a) Gaon Panchayats should at once notify in their areas by beat of drum that each head of family must report all births and deaths occurring in his family to the President or Vice-President of the Sabha or the Secretary and that failure to do so may entail fine up to rupee one.

G. O. no. U
2616/TX—
922-PH-49,
dated De-
cember 29,
1950.

(b) Each person submitting a report of birth or death shall be given a receipt in Panchayat Raj form no. 26 of which copies are available with Panchayats. Additional copies required may be obtained by Panchayats through the usual channel.

(c) Each Pradhan of a Gaon Panchayat shall maintain a combined register of births and deaths in Panchayat Raj form no. 'B' in which he shall make entries as he receives the reports. If he is illiterate he shall get the entries made by some literate person in the village and failing such a person by the Secretary of Panchayati Adalat at his weekly visit. The causes of deaths as reported should be entered after due consideration. To help Presidents as to what the actual cause of death may have been notes on main symptoms of diseases are being supplied to each.

(d) Rule 144 of the Panchayat Raj Rules also provides for reporting by village chaukidar to Gaon Panchayats within two days every birth and death occurring in the Chaukidar's circle. This is a double report provided as a check against omission by the head of family. This should be explained to Gaon Panchayats who should take great care to avoid noting the same report from both sources. Whichever of the two is received first should be recorded.

2. *Compilation*—(a) Each Secretary of a Panchayati Adalat has on an average four Gaon Panchayats under him, each of which he should visit once a week. He will maintain a compilation sheet in P. H. form no. 5 for births and P. H. form no. 1 for deaths. During his first visit to each of these after the close of the month he will copy out the figures into his compilation sheets from village registers kept by the Presidents of Gaon Sabhas [referred to in paragraph 1 (c)]. At the end of his first week's round of the Panchayats he will thus have taken over figures of all villages (some 12 or so) in his circle. He should hand over the total of this in P. H. form no. 6 for births and P. H. form no. 2 for deaths to Panchayat Inspector whom he has to meet on the 10th of each month.

(b) Each Panchayat Inspector has 15 to 20 Panchayati Adalats under him and a whole-time clerk. He will have the Secretaries' returns in P. H. forms nos. 6 and 2 consolidated on the forms nos. 5 and 1 for his circle, and sent the circle totals to the District Medical Officer of Health at Sadar on forms nos. 6 and 2.

As Panchayat Secretaries will hand over their own returns to Panchayat Inspectors on 10th of each month, the latter should be able to post the circle consolidated return to the District Medical Officer of Health by the 15th at the latest.

3. (a) *Supply and distribution of forms*—Panchayat Raj form 'A' provides for the record of births as well as deaths. One such register will be maintained for each village, the register being actually kept at the Panchayat headquarters. This form has already been supplied to Presidents of Gaon Panchayats by Panchayat Raj Department.

(b) Following forms will be supplied by the Public Health Department :

(i) To the Secretary of each Panchayati Adalat, for compilation :

P. H. form no. 5 (births)	}	6 sheets to each Panchayat Secretary.
P. H. form no. 1 (deaths)		This will be sufficient to last for a year.

(ii) To the Secretary of each Panchayati Adalat for the monthly return to the Inspector :

P. H. form no. 6 (births)	}	12 sheets to each Panchayat Secretary at the rate of one for each month.
P. H. form no. 2 (deaths)		

(iii) To each Panchayat Inspector :

P. H. form no. 5	..	}	12 sheets to each Inspector at the rate of 1 for each month for compilation of circle return, and
P. H. form no. 1	..		
P. H. form no. 6	..	}	12 copies each of P.H. form nos. 6 and 2 for sending the consolidated returns to District Medical Officer of Health.
P. H. form no. 2	..		

(c) District Medical Officer of Health will hand over blank forms for Panchayat Secretaries and Inspectors to the District Panchayat Officer. During his monthly meeting with Inspectors, the District Panchayat Officer will distribute to each Inspector the required number of these forms for the use of Panchayat Secretaries under him. The latter during their weekly visit to Panchayats will distribute them to the Presidents of Panchayats.

B—Epidemics

4. *Epidemics to be reported*—These are to be reported only for plague, cholera and small-pox,

(a) immediately on first outbreak, and

(b) weekly thereafter for as long as any case from these diseases occur in any village.

5. *Seizures as well as deaths* are to be reported. While deaths should be noted from reports made by heads of family or village chaukidar, those of seizures should be compiled by Pradhans from their own information. This should not be difficult, as each Panchayat has some three villages only and news of prevalence of these serious diseases cannot fail to reach the Pradhans.

6. *Reports of first outbreaks*—Cases which may occur after a considerable lapse of time should be treated as a first outbreak. All reports of first outbreak, when received, should be entered in duplicate in Police form no. 210 by the Pradhan. One copy of such report should be sent to Medical Officer of the nearest dispensary, and another to the District Medical Officer of Health at Sadar.

7. *Transmission of epidemic reports and payment for same*—To ensure quick transit, reports of first outbreak of any of the three diseases should be transmitted by messenger who after delivering the copy meant for the nearest dispensary doctor to him, should proceed to the District Medical Officer of Health, at Sadar. He can travel by rail or bus or on foot, as necessary, and should be paid actual rail/bus fare, and also, if he is not a paid employee of Government, the District Board, or Panchayat, one day's wage at the current rate. This payment should be made by Gaon Panchayats from their permanent advance.

A monthly statement of the payments so made should be rendered by the Gaon Panchayat through the Panchayat Inspector to the District Panchayat Officer who will credit the amount to the particular Panchayat. A lump sum will be placed by the Public Health Department at the disposal of Panchayat Raj Department to cover such charges.

8. *Weekly epidemic reports*—After a report of first outbreak has been sent, further seizures and deaths from any of the three diseases should for so long as they occur be reported in a weekly statement in P. H. form no. 24 to the District Medical Officer of Health at headquarters. A copy of these reports should not be sent to the dispensary doctor, nor should any report be sent for weeks in which there has been no seizure or death.

These reports should be for the week ending Saturday, and sent out by the Pradhan on the morning of Sunday by messenger to be engaged and paid in the manner laid down in paragraph (7) above.

9. *Supply of forms*—Forms required for reporting of epidemics are—

(i) Police form no. 210

.. One register of 50 leaves will be supplied to each Gaon Panchayat. At the rate of 2 forms for each report, this will be sufficient for 25 reports. It is unlikely that more will be required during the year for a panchayat comprising some three villages on an average.

(ii) P. H. form no. 24

.. One register of 25 leaves will be supplied to each Gaon Panchayat. At the rate of one for each week, this should be sufficient for 25 weekly reports. More are not likely to be needed in the year.

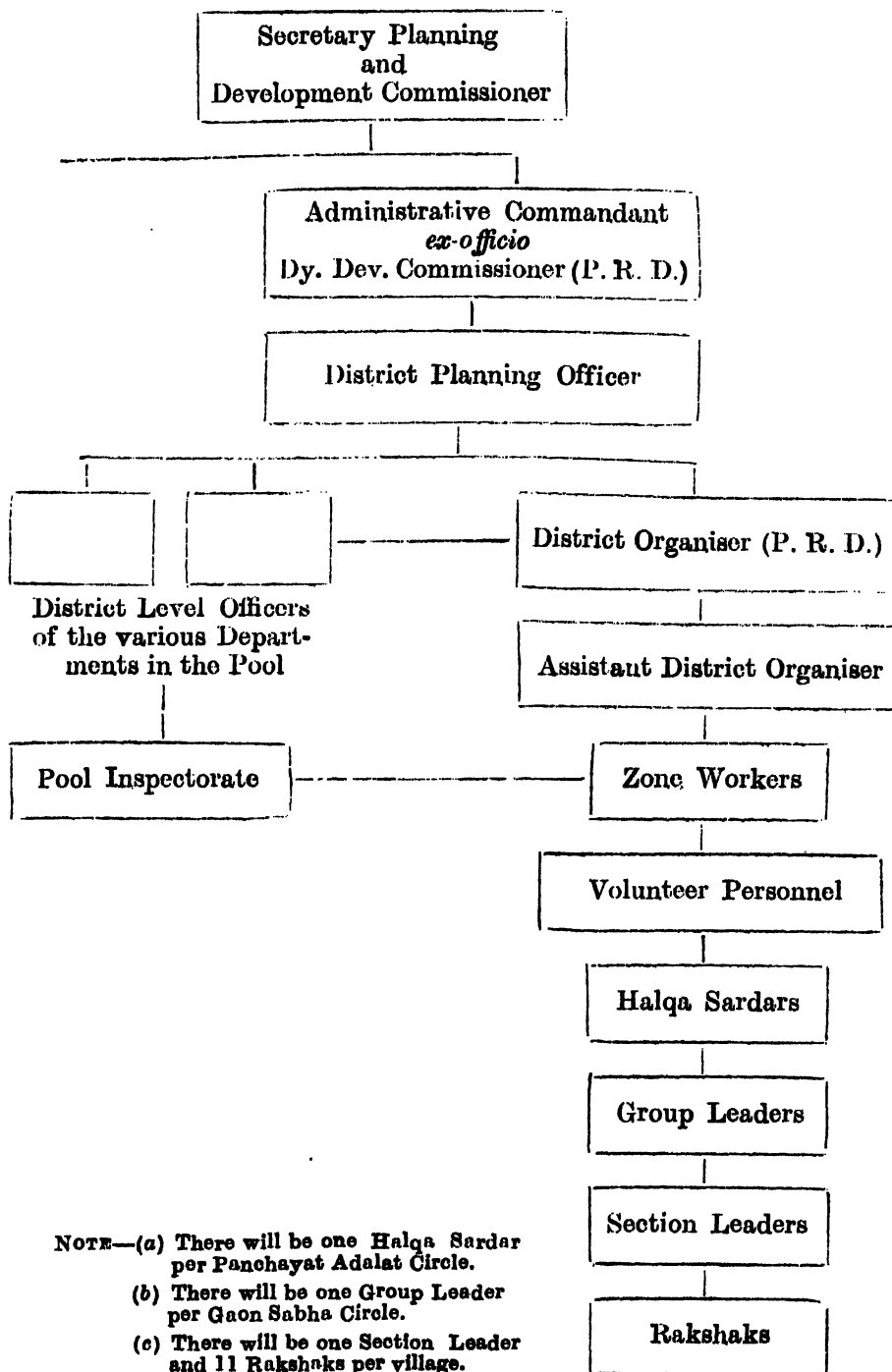
These forms should also be distributed in the manner laid down in paragraph 3 above.

Those orders, and the procedure for recording and preparation of the weekly and monthly statement should when occasion arises be explained to Panchayat Officers by District Medical Officers of Health.

APPENDIX 41

(Referred to in paragraph 966)

ORGANISATION OF THE PRANTIYA RAKSHAK DAL



APPENDIX 42

(Referred to in paragraph 967)

**DUTIES AND RESPONSIBILITIES OF THE MEMBERS OF THE PRANTIYA
RAKSHAK DAL AND THEIR JURISDICTION**

I—District Organizer

1. His territorial jurisdiction will extend over whole of the District.
2. He will supervise and guide all development and community works entrusted to the Prantiya Rakshak Dal personnel.
3. He will be personally responsible for the efficient working of the Prantiya Rakshak Dal in his District.
4. Subject to such directions as may be given by the District Planning Officer, he will be responsible for the Prantiya Rakshak Dal Part of the office in the Pool.
5. He will maintain Nominal Roll of all the Prantiya Rakshak Dal Voluntary personnel subordinate to him. (It should be maintained Panchayatwise). He should also maintain a map of the District indicating Panchayat Raj Inspectors' Circles, Panchayati Adalat and Gaon Sabha Circles.
6. He will be responsible for the selection and training of Halqa Sardars, Group Leaders, Section Leaders and Rakshaks.
7. He will act as a Liaison Officer between the Prantiya Rakshak Dal Forces at Village Level and all other officers in the Pool. He will ensure that the Zone Workers supply the adequate amount of leadership and force in the execution of any development scheme undertaken by the Pool.
8. He will be responsible for the efficiency of the Prantiya Rakshak Dal Forces detailed on mela and festival duties. (The duties of the Prantiya Rakshak Dal personnel when detailed on such occasions should be strictly social and humanitarian. They should never be allowed to take upon themselves the duties of prevention or detection of thefts, etc., which is the work of the Police Force).
9. He will draft programme of work of the entire Prantiya Rakshak Dal Staff and check and supervise the same while on tour.
10. He will write inspection notes on the villages that he visits and ensure that his subordinates comply with the orders passed by him. Further he will make such periodical inspections as may be ordered from time to time.
11. He will maintain and submit his own diaries as may be ordered for by the Administrative Commandant from time to time.
12. He will remain out on tour for not less than 10 days in a month and will make at least 7 night halts in the rural area every month.
13. During his village inspections he will record inspection notes in the Zone Workers' Record Books.
14. He will perform such other duties as may be assigned to him from time to time by the Administrative Commandant.

II—District Field Inspector

1. His territorial jurisdiction will extend over whole of the District.
2. He will be immediately subordinate to the District Organizer.
3. He will be responsible for the training of the Halqa Sardars, Group Leaders, Section Leaders and Rakshaks.
4. He will be responsible for the maintenance of the Clothing Equipment and all Government Stores in charge of the Prantiya Rakshak Dal.
5. He will supervise and guide development or community work entrusted to him by the District Organizers.
6. He will remain on tour for not less than 15 days in a month and will make at least 10 night halts in the rural area every month. He will record his inspection notes in the Zone Workers' Record Books.
7. He will submit such periodical inspection notes and diaries as may be ordered for by the Administrative Commandant from time to time.
8. He will perform such other duties as may be given to him by the District Organizer from time to time.

III—Zone Workers

1. His territorial jurisdiction will extend over the area assigned to him from time to time.
2. He will concentrate efforts in one single intensive block assigned to him and supervise the work of the Prantiya Rakshak Dal in the remaining area.
3. He will be responsible for the organization and training (developmental and drilling) of the volunteer personnel in his circle.
4. He will be responsible for mobilising and supplying the adequate amount of leadership and man-power in the execution of the development and community works entrusted to his intensive block.
5. He will organize village defence, prevention of anti-social activities, humanitarian and relief work, for example, relief work during epidemics and floods, prohibition work, fire-fighting, humanitarian work during fairs and festivals, helping the old and infirm, life saving, tracing lost children and developing civic sense, etc.
6. He will attend all development meetings held in his intensive block.
7. He will attend monthly meeting at District Headquarters and submit such progress reports as may be called for by the District Organizer from time to time.
8. He will also carry out such other orders as may be given to him by the District Organizer from time to time.

APPENDIX 48

(Referred to in paragraph 972)

U. P. RURAL DEVELOPMENT (REQUISITIONING OF LAND) RULES, 1948

The State Government have in notification no. 8250-R/D.C.—379-48, dated September 28, 1948, as modified by notification no. 8473-R/XII- C.—D.C.-379-48, dated December 13, 1951, issued the U. P. Rural Development (Requisitioning of Land) Rules under section 16 of the Act and which are reproduced below :

1. (i) These rules may be called the Rural Development (Requisitioning of Land) Rules, 1948.

(ii) They shall come into force at once.

Definition.

2. “Act” means the U. P. Rural Development (Requisitioning of Land) Act, 1948.

Appointment of Assistant Collector as requisitioning authority or compensation officer.

3. A Collector may nominate any Assistant Collector subordinate to him to be appointed a requisitioning authority or a compensation officer for the district, and thereupon the State Government may appoint such officer to be requisitioning authority or a compensation officer :

Provided that no Assistant Collector shall be a requisitioning authority and also a compensation officer for the same area.

Requisites of the application for requisitioning land.

4. (1) Every application for requisitioning of land shall be made in writing either to the Collector or, where there is an Assistant Collector appointed as a requisitioning authority, to such Assistant Collector and shall contain the following particulars :

- (a) name of the applicant,
- (b) full description with reference to village records, its area and situation of the land sought to be requisitioned,
- (c) the purpose of requisitioning,
- (d) the names of the owners or occupiers thereof or of other persons interested,
- (e) the purpose for which it is at present in use,
- (f) any other remarks.

Provided that no such application shall be entertained unless it is made by or on behalf of—

(i) the District Planning Officer or the District Officer of the Co-operative or Agriculture Department, or

(ii) the District Planning Committee constituted under paragraph 12 of the Development Co-ordination Department notification no. 5463-R/D.C.—617-50, dated July 15, 1950,

(iii) a co-operative society or a union registered under the Co-operative Societies Act, 1912, or

(iv) a Gaon Sabha, constituted under the U. P. Panchayat Raj Act, 1947 :

Provided further that when an application is made by or on behalf of a co-operative society, union or gaon sabha, the requisitioning authority shall reject the same unless he is satisfied—

(a) that the resolution of the general body of such society, union or sabha which authorized the making of the application as passed by a two-third majority of the members of such general body present and voting,

(b) that the proposal for requisitioning is supported and recommended by the Executive Committee of the District Planning Committee constituted under paragraph 15 of the Development Co-ordination Department notification no. 5463-R/D.C.—617-50, dated July 15, 1950.

(2) Notwithstanding any thing contained in sub-rule (1) of this rule, no application for requisitioning of land which is for the time being occupied by any building, tomb or place of worship shall be entertained.

5. (1) If, after considering the application made under rule 4, the requisitioning authority is satisfied that it is necessary or expedient to do so for a public purpose, he may by order requisition the land mentioned in the application and in addition to the notice and orders provided by section 3 of the Act, by general or special notice require all persons interested in the land requisitioned to submit their claims for compensation in writing within thirty days from the date of the service of notice.

Procedure
before the
requisition-
ing autho-
rity.

(2) On any claim preferred under sub-rule (1), the requisitioning authority shall, as far as possible, endeavour to settle the amount of compensation by agreement with the persons interested in the land.

(3) Where such an agreement is reached, the requisitioning authority shall cause the same to be recorded and signed by the persons concerned and shall order for payment to be made in accordance with the agreement.

(4) Where no such agreement is reached, the requisitioning authority shall refer the matter to the Compensation Officer in accordance with sub-section (2) of section 9 of the Act.

6. Where the land is requisitioned under section 3 of the Act, the requisitioning authority may either manage it himself or vest the management and superintendence in any departmental officer or officers subordinate to him or in the District Planning Officer or any officer under his administrative control or the District Planning Committee constituted under Development Co-ordination Department notification no. 5463-R/D.C.—617-50, dated July 15, 1950, or a Co-operative Society or a Union registered under the Co-operative Societies Act or a Gaon Sabha constituted under the U. P. Panchayat Raj Act, 1947.

7. The requisition in every case shall be regarded as a lease without a premium but with a half-yearly or annual rent as the case may be calculated in accordance with the principle contained in sub-section (3) of section 9 of the Act.

Requisition
to be treated
as a lease.

Rent how
determined.

8. (1) Where the land requisitioned is in landlord's own cultivation or it is let out and the rent is payable in 'kind' or has not been settled (*bila tasfia lagan*) or is rent free, the rent shall be the amount determined in accordance with the procedure laid down for hereditary and non-occupancy tenants in clause (c) of sub-section (1) of section 101 or in section 103, as the case may be, of the U. P. Tenancy Act.

(2) A sub-proprietor or under-proprietor shall be treated, as far as possible, on the same lines as a landlord, except that the amount payable by him to the superior proprietor shall be deducted from the total amount of compensation calculated as payable to him and the amount so deducted shall be payable to the superior proprietor.

(3) Where the land is sublet, the tenant-in-chief shall be entitled to the rent payable by the sub-tenant less the amount of rent payable by the tenant-in-chief to the landlord.

(4) Sub-tenants may be allowed at the discretion of the Collector, a sum not exceeding 50 per cent. of the rent payable by them to their tenant-in-chief.

(5) Where the land requisitioned is a grove land and no rent is assessed thereon the rent shall be determined according to the prevailing rates applicable to hereditary tenants of similar land in the locality.

(6) Where the land requisitioned is banjar parti qadim or parti jadid and no rent is assessed thereon, the rent shall be deemed to be 1 anna, 2 annas and 3 annas to 5 annas per acre, respectively in addition to the average sayar income of the last three years :

Provided that if such land is a casual fallow which is likely to be cultivated in near future, it shall be deemed to be a cultivated land.

Reference
to Compensation Officer to be accompanied with a statement.

9. (1) Every reference to a Compensation Officer under sub-section (2) of section 9 of the Act, shall be accompanied with a statement signed by the requisitioning authority and containing the following particulars :

(a) The situation and extent of the requisitioned land with particulars of any trees or standing crops thereon.

(b) The names of the persons interested in the requisitioned land.

(c) The amount of compensation offered to each of the persons interested.

(d) The grounds on which the said amount of compensation has been determined.

(2) The requisitioning authority shall also while making a reference as aforesaid, transfer to the Compensation Officer, the entire records of the proceedings, relating to the requisitioned land, held by him.

10. Upon receipt of a reference the compensation officer shall cause a notice specifying a date on which he will proceed to determine the amount of compensation payable to each of the persons interested and directing their appearance in person or through their authorized agents, to be served on the following persons :

Procedure
before the
Compensation
Officer.

(a) The applicant.

(b) All the persons named by the requisitioning authority as interested in the land.

(c) The requisitioning authority.

11. The compensation officer may for any cause he thinks fit, from time to time, adjourn the enquiry to a day to be fixed by him.

Adjourn-
ments.

12. (1) On the day fixed under rule 8 or on any other day to which the enquiry has been adjourned under rule 9, the Compensation Officer shall proceed to enquire into the respective claims for compensation made by the persons interested to the requisitioning authority and shall make an award under his hand stating—

Award of
the Com-
pensation
Officer.

(a) the true area of land requisitioned,

(b) the compensation which in his opinion should be allowed for the land,

(c) the apportionment of the said compensation among the persons interested in the land, and

(d) the manner in which and the person or the village body by which the said compensation is to be paid.

(2) The Compensation Officer may also by his award fix a time limit for payment or deposit of the compensation money.

13. If any person interested refuses to receive payment of compensation awarded by the compensation officer or neglects to receive the same, the Compensation Officer shall cause the person or the body liable to make the payment, to deposit the same with the requisitioning authority and such deposit shall absolve the person or the body liable from all further liability in the matter.

Deposit of
compensa-
tion money
with the
requisition-
ing autho-
rity.

14. An order passed by the requisitioning authority under sections 3 and 7, or the Compensation Officer under sub-section (2) of section 9 of the Act, may be reviewed by the Commissioner of the Division on an application made in this behalf by the party aggrieved by the aforesaid order. Such an application shall be in the form of a memorandum of appeal and shall be filed within one month of the date of order sought to be reviewed.

Commission-
er to exer-
cise power of
review.

15. Every requisitioning authority shall maintain a register in Form I of all the requisitions of land made by or under his orders.

Register.

Vesting of
management.

16. (1) The requisitioning authority may vest the management and superintendence of any land requisitioned under the Act, in a co-operative society, union or gaon sabha on the following terms and conditions namely :

(a) that the union, the society or the gaon sabha in whom the management is vested shall be liable to pay compensation in accordance with the award of the compensation officer or the agreement arrived at between the requisitioning authority and the person interested as the case may be,

(b) that the management of the requisitioned land by such union, society or gaon sabha shall be subject to the control and supervision of the District Planning Officer and also of Executive Committee of the District Planning Committee,

(c) that such union, society or gaon sabha shall be bound to carry out the directions given from time to time by the Committee or the Departmental Officers in this behalf.

(2) Where a society, union or gaon sabha fails to pay the compensation as required by sub-rule(1) or carry out the directions' of the Executive Committee of the District Planning Committee or the Departmental Officers, the requisitioning authority may suspend or terminate the management of the requisitioned land by such society, union or sabha and vest the same in the District Planning Officer or an Officer under his administrative control.

LAND REQUISITION FORM

Register of land requisitioned under the U. P. Rural Development (Requisitioning of Land) Act, 1948,
in the district for public purpose

File no. and serial no.	Pargana	Mauza	Public purpose for which land requi- sitioned	Date of requisi- tion	Area requi- sitioned	Annual/ biennial rental to be paid	Cash compen- sation paid to proprie- tors, under- proprie- tors and culti- vators	Amount, if any, paid for deterio- ration	Depart- mental officer or the village body to whom the manage- ment is entrust- ed	Date of execu- tion of agree- ment with the village body	Date of relin- quish- ment	Date of noti- fication if acquired perma- nently	Period of occupa- tion	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

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Note—This index has been compiled solely for the purpose of reference. No expression used in it should be considered as in any way interpreting Government Orders.

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